

# LAW ENFORCEMENT NEWS

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## Before the going gets too tough...

### Police suicide awareness and prevention get agencies' attention

By Jennifer Nislow  
(Second of two parts.)

Despite strong arguments by academics and practitioners on both sides of the issue, there remains no consensus on the rate at which police are believed to commit suicide, or indeed, whether they actually kill themselves at a higher rate than those in other professions.

But given the stress of police work, and a culture that still prefers to keep feelings of depression closeted, some departments make suicide awareness and prevention a routine part of training.

For many in law enforcement, the potential loss of one's identity as an officer is unacceptable, said Dr. Scott W. Allen, senior psychologist with the Miami-Dade Police Department's psychological services unit. It is the most compelling dynamic that causes police to rapidly make a decision to commit suicide.

Allen told Law Enforcement News that at training sessions, he instructs officers not to plan to meet a troubled friend or colleague who is being released from jail or internal affairs because "they're not going to make it from point A to point B."

"They're going to go to point C, which is where they go to kill themselves," he said. "You have to go to that jail, or internal affairs, and pick them up. Get a hook on them, grab them. They're not going to make it to your house."

For that reason, Miami-Dade has a policy that requires the shift commander to notify Allen or another of the three psychologists who make up the psychological services unit to meet the officer after he or she is released from jail.

The Rev. Robert Douglas of the National P.O.L.I.C.E. Suicide Foundation (NPSF) contends that relationship issues, namely divorce or the death of a spouse or child, are at the heart of most police suicides.

"Homeland security has really brought additional stress for our law enforcement community because of all the added

responsibility that they are taking on," he told LEN. "In doing so, that means it impacts the family."

The death of a child or a spouse, Douglas said, would be traumatic regardless of one's profession, but to police, it just multiplies the stress. "The family is the very basic foundation of that officer's life," he noted, "and if something happens to the family, it's devastating to the officer."

Serious illness is also considered by Douglas to be among the primary reasons why an officer would choose suicide.

"If these officers get diagnosed with prostate cancer, they think they're dying," he said. "I've never seen anything like it. You know why? Because they feel it's going to take them off the line, and if they go off the line, they're scared to death they're not going to get back."

The NPSF lists these common factors in police suicide: alcohol abuse; the breakup of a relationship; career stagnation, and being under investigation. Among the warning signs are a high number of off-duty accidents; an increase in citizen complaints; a

change in personality; the dispersing of gifts, and the writing of a will.

"What is necessary is for other law enforcement officers to be aware of the symptoms because they are going to be the ones who see it," said Janet Fox, the mental health coordinator for the Clay County, Fla., Sheriff's Department. "What I found is that police are very skeptical of mental health professionals, so we need to give those simple awareness skills to the people they're working with everyday so somebody will see it."

Fox told LEN that two weeks after she was hired by the sheriff's department in 2001, Clay County experienced its first-ever officer suicide. She attended a training seminar held by the NPSF last year.

Law enforcement is a special case when it comes to stress, said Fox. The work that is expected of practitioners is stressful and can have a negative impact on family life.

"If they are not proactive in their life, they could end up just having their families fall away from them and be in a really lonely

Continued on Page 15

## Study links recidivism, drug treatment

Researchers from the University of California-Los Angeles found less intensive treatment and the poor matching of clients to services to be key factors behind a high recidivism rate among drug offenders diverted into treatment programs under a 2000 ballot measure.

The Substance Abuse and Crime Prevention Act of 2000, commonly known as Proposition 36, offers nonviolent offenders convicted of drug possession the option of treatment over incarceration. Sixty-one percent of California voters approved the measure in the belief that it would reduce the cost of criminal justice services. In its first year, Proposition 36 diverted 30,500 defendants into treatment. That figure grew to 36,000 in 2002.

David Farabee, lead author of the study and director of Integrated Substance Abuse programs at U.C.L.A.'s Neuropsychiatric Institute, examined the recidivism rates and treatment participation of 688 clients in 13 counties who were diverted into rehabilitation between July 1, 2001 and Dec. 31, 2001 — the first six months the law was in effect. Those rates were compared with 1,178 clients who entered treatment through drug courts or as a condition of probation, and 1,882 clients in treatment with no current criminal justice status.

Data were collected from 43 treatment centers, and records of subsequent arrests came from the state Department of Justice.

"The paper finds that the entire

Continued on Page 14

## Defeat of budget measures has some agencies scrambling for funds

The rejection by voters on Nov. 2 of a ballot measure that would have raised Los Angeles County's sales tax by half a cent has forced Los Angeles City Council members to come up with a new way to pay for the hiring of thousands of additional police officers.

The city was one of numerous municipalities nationwide that tried on Election Day to persuade voters to say yes to tax increases and bond issues that would benefit public safety. The results of those efforts were mixed.

In Los Angeles, Measure A called for an increase in county sales tax from 8.25 percent to 8.75 percent. Had it passed, it would have provided roughly \$560 million for police services countywide, with \$164 million going to the city of Los Angeles, where it would have been enough to hire 1,260 officers, according to city officials' estimates. Cities across the South Bay would have received \$39.2 million.

Officials in Pomona said Measure A would have helped them address many of the city's crime problems, including gangs and prostitution. Most of the \$7.1 million it would have received from the tax increase would have been used to hire 50 officers, with the remaining \$1 million earmarked for youth and crime prevention programs.

But the measure failed to garner the two-thirds majority it needed to pass. City voters backed Measure A by 64 percent; county voters by only 59.6 percent.

The initiative was supported by both Los Angeles Police Chief William Bratton and county Sheriff Lee Baca. Revenue from the increase would have rebuilt the county's public safety budget, Baca told The Copley

News Service, and helped the Los Angeles Police Department realize its goal of having a force of 10,000 or more officers.

But it was difficult to persuade voters to pay for more police and sheriff's deputies, said the two law enforcement officials.

"Unfortunately, it was almost a victim of its own success," said Bratton. "Crime [in Los Angeles] is down dramatically from what it was in 1990."

In light of the measure's failure, the City Council proposed going ahead with plans

either to implement a city-only tax that would raise sales tax to 8.75 percent from 8.25 percent, or to raise trash-collection fees by 600 percent. Raising trash fees to \$35 to \$40 a month, from the current \$6 to \$7 a month, would generate about \$100 million a year. Officials said it would be enough to expand the Los Angeles Police Department's 9,100-member force by 1,000 officers.

Mayor James K. Hahn has endorsed putting a city-only measure on the ballot in

Continued on Page 8

## Porn found at crime scenes to get a closer look

Pornography found at certain crime scenes will be documented by Cache County, Utah, deputies under a policy the agency is developing in hopes of discovering whether a link exists between such materials and specific offenses.

Although no connection between pornography and criminal behavior has ever been proven, law enforcement has seen a steady increase in pornography during arrests and at crime scenes, said Lt. Matt Bilodeau, a department spokesman.

"I think we find it ties in with a lot of crimes, especially child sexual abuse," he told Law Enforcement News. "It seems to go hand in hand. I think we were looking at seeing how relevant that was to the crime being committed."

For example, if a motorist is pulled over for speeding and adult pornography is found

in the back seat, deputies would not count that, said Bilodeau, because it has no relationship to the offense.

The department is in the midst of developing criteria for the policy with the help of some University of Utah graduate students that would take those differences into account, Bilodeau said. Once those criteria are created, the proposal will be reviewed by the Cache County Attorney's Office and the state Attorney General's Office to make sure it does not violate anyone's rights.

The department hopes to have a plan in place by the first of the year, Bilodeau told LEN.

"It may not be significant at all, or it might be relevant to something," he said. "We're going to wait a couple of years and see where it takes us."



# AROUND THE NATION

## NORTHEAST



**CONNECTICUT** — Manchester Police Officer Whitney Epps was arrested in New Haven Oct. 18 and charged with assault in what was described as a domestic violence incident. He was charged in a similar incident involving the same woman in April 2003 but those charges were dropped. Epps was placed on administrative duty and his gun has been taken away from him.

**MARYLAND** — Returning to tradition, Maryland State Police Col. Tim Hutchins has reassigned several captains to other positions and put lieutenants in charge of all state barracks. He also combined two bureaus — administration, and information and technology — to form a new bureau of support services. A department spokesperson said the move "reduces the upper-rank structure of the department."

**NEW HAMPSHIRE** — Manchester Police Chief John Jaskolka has invited a special team of police officers, social workers and psychologists to help his officers deal with the emotional trauma of discovering the bodies of a murdered woman and her two children. Jaskolka said that many of the detectives have young children of their own and the sight of the murdered children, who were stabbed multiple times, deeply affected his officers.

**NEW JERSEY** — Robert Krzykowski, 27, was arrested Oct. 13 after bursting into a prostitute's hotel room in South Hackensack and demanding sex while flashing a badge and handcuffs. He also took about \$60 in cash from her instead of paying for her services. Krzykowski was chased by a motel clerk who called police from a cellphone.

**NEW YORK** — New York Police Officer Eduardo Delacruz, who cited religious reasons for his refusal to arrest a homeless man, has been placed on a 30-day unpaid suspension. Delacruz has become a hero to some religious groups and advocates for the homeless, but police department lawyers maintained that he simply wanted to get home on time that night.

New York police Capt. Demetrius Long became the victim of a vandalism attack when someone burned the word "move" into the lawn of his new home in Newburgh with an unidentified chemical. Long, who is black, said that the vandalism — the second such incident in two weeks — is clearly racially motivated and should be treated as a hate crime.

According to New York City Police Commissioner Raymond Kelly, 49 of the city's 446 homicides as of late October were domestic-related. Over the past three years, the overall rate of domestic crimes has declined by 28 percent. Kelly provided the figures while announcing a new protocol for sharing the NYPD's Domestic Incident Response Database with the Probation Department and the city's district attorneys to help spot patterns and trends.

Deputy Inspector Richard Capolongo, a top NYPD narcotics commander, is under

investigation for allegedly moonlighting at a security job while on duty. Records from Capolongo's department-issued E-ZPass show that he was on the road in Staten Island, New Jersey and Pennsylvania when he was supposed to be in Manhattan supervising anti-drug operations.

Buffalo's corporation counsel has warned that the city would be assuming too much legal liability if it reactivates its volunteer citizen police force. Reactivation of the Buffalo Special Police, which was created in 1927 but was largely dormant until last year, was unanimously endorsed by city lawmakers in October. As an alternative, the city may provide funding to help the group pay for its own liability insurance.

New York City Police Officer Jose Delvalle was arrested in Rhode Island Oct. 14 after allegedly trying to purchase a kilo of cocaine from an undercover DEA agent. Delvalle, a two-year veteran, was charged with conspiracy to possess narcotics and using a firearm during a narcotics deal.

**PENNSYLVANIA** — The U.S. Attorney's office in Pittsburgh is one of five that will get a new Computer Hacking and Intellectual Property unit, or CHIP, which will focus on copyright and trademark violations, computer thefts, internet fraud, and trade secret theft. The Justice Department launched the CHIP program in 2001, based on an initiative created by the U.S. Attorney's office in San Jose, Calif.

Lansford Police Officer Jeremy K. Sommers and Coaldale Police Officer Michael R. Weaver were indicted by a federal grand jury in October for planting cocaine during a search of a Coaldale home and heroin during a search of a Lansford home. Affecting the same two departments is a weapons case in which former Lansford police chief Joseph Stawiariski sold a machine gun to former Coaldale police chief Shawn P. Nehen without registering it in the National Firearms Registration Record.

## SOUTHEAST



**FLORIDA** — A local Citrus County television show, Sheriff's 10-43, is posting mug shots and crime scene photographs along with two phone numbers for viewers to use for calling in crime tips. The new format for the show will be used every two weeks. Crime analysts who look for patterns in county crime trends spend some of their evenings fielding calls to the tip line.

Tampa Police Officer Travis Maus was fired Oct. 7 after supervisors ruled that he used excessive force against two auto-theft suspects. The department investigated the incident after other officers reviewed a video recording of a pursuit and capture by Maus. After the stolen vehicle crashed in a store parking lot, one suspect was lying on the ground and refused to put his hands behind his back. Maus then ran up and kicked at the suspect twice, but actually struck another officer and a deputy. He then went to the passenger in the stolen car and put his foot on the small of his back.

**GEORGIA** — The Southern Poverty Law Center has identified Georgia as the state with the most "hate groups" in the country. The center said that Georgia is home to 54 groups, including the Aryan Nations, Ku Klux Klan, and even some black separatist groups like the New Black Panther Party. Law enforcement officials in the tri-state area covering Georgia, Tennessee and Alabama say that organized hate groups have kept a low profile when it comes to violence.

**LOUISIANA** — The Baker Police Department had to close its station temporarily while toxic mold in the building was removed. The station was the second building in Baker where mold was detected. The fire department had to move to temporary quarters in a mobile home. Police Chief Sid Gautreaux said that the mold is associated with roof leaks and air-conditioning equipment in the attic.

In the first 10 weeks of an initiative which has taken nearly 100 New Orleans officers from their desks and put them alongside district patrollers, police made nearly 400 arrests and handled more than 2,500 new complaints. The plan allows district officers to be more active in heavy crime areas while support staff handles the routine calls.

**MISSISSIPPI** — Horn Lake has been approved for a \$26,000 federal homeland-security grant to install a reverse-911 system that would allow police to alert residents in the event of emergencies.

**NORTH CAROLINA** — Chapel Hill police have so far received five reports about a man who pretends to have been caught outside his apartment without his pants. He approaches women with a tall tale about how he came to be in that situation, and then asks them if he can use their telephone to call a friend. In fact, police said, all he really wants to do is expose his genitals to them.

**SOUTH CAROLINA** — Greenville Police Chief Willie Johnson was penalized and ordered to give up five vacation days for serving as a character witness for a man arrested on drug charges. Johnson, who is a deacon at the church the defendant belongs to, said that he asked for the sanction because he would discipline any of his officers in the same way.

**TENNESSEE** — Finding liability on the part of three Memphis police officers, a federal jury has awarded \$2.85 million to the family of Jeffrey Robinson, who was shot and killed in a 2002 drug raid. The second step in the two-phase lawsuit will determine whether the city should be held liable and whether department procedures and policies contributed to Robinson's death. The shooting occurred when police, acting on a tip, stormed Robinson's home, which he shared with another man. Police say Robinson lunged at them with a box cutter before they shot him. Police found 2.2 grams of marijuana and drug paraphernalia in a camper in the home's backyard.

**VIRGINIA** — A robot was sent into a home to search for a murder suspect during a standoff with police in October. Chief Deputy Bryon Wilkins of the King and Queen County sheriff's office said that the two-foot-tall robot was outfitted with a camera and a listening device that let police know that the suspect was hiding in the attic.

## MIDWEST



**ILLINOIS** — The Chicago Police Department has asked the help of minority clergy members throughout the city in recruiting police officers. Superintendent Phil Cline said that for the kind of candidates the force is looking for — those with ethical character and high morals — churches, mosques and synagogues are the best places to look. The department is currently about 55 percent white, compared to a city population that is about 60 percent black and Latino.

**INDIANA** — Richard Allen Stewart, 41, was jailed after allegedly tossing a duffel bag in which methamphetamine was cooking into a driveway between two houses near the University of Evansville campus. Police officers had been chasing the pickup truck from which the bag was tossed after they became suspicious of a group of men who were loitering in a parking lot. The bag later exploded after firefighters loaded into it a drum for disposal.

**OHIO** — Cincinnati lawyers canceled plans to feature the city's K-9 unit — judged the best in the nation last year — on a future episode of "Animal Planet." The police dogs' handlers are upset, but city officials said the decision was not meant as a slight against the unit but rather as a means to protect police from being filmed in an incident like a dog biting a suspect. The decision came five months after a dispute over plans to allow the TV show "Cops" to ride with officers and film them.

A nine-year Akron police veteran was seriously wounded and a Barberton man, Robert McMullen Jr., was fatally shot in an exchange of gunfire Oct. 17. Police were responding to a call from the man's family after he got into a violent argument with his mother. Despite having prosthetic hooks on both arms — the result of a hand grenade blowing up in his hands during a traffic stop in West Virginia in 1996 — McMullen shot at the two officers who arrived at his home, and the wounded officer fired back. According to his mother, he could do everything for himself despite his disability.

A call for volunteers to provide extra eyes for the police came as part of Dayton's response to resident complaints about crime. Ron Webb, who is heading the effort, said that ideally, every school, apartment building and city block would have a volunteer Extra Eyes coordinator, to whom residents would report suspicious activity.

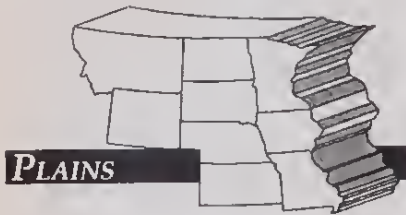
David Khouri, a bumbling bandit who botched two bank robberies, was sentenced Oct. 21 to 10 years in prison. In his first heist, in March 2003, he strapped a battery to his leg and claimed he was a hostage with a bomb. He left the bank with \$127,000 but was later caught. While out on bail for that offense, he went to another bank and tried again. Bank employees asked him to wait in a room, which he did — until the police showed up.

Manion County deputy sheriff Brandy Lyn Winfield, 29, was shot to death execution-style Oct. 14 after stopping to check out a



van that had run out of gas. Juan C. Cruz, 21, has been indicted for aggravated murder and faces the death penalty. Just months before Winfield's murder, Cruz was in jail facing charges of rape, felonious assault, abduction and kidnapping, but was freed when prosecutors dismissed the case because the victim, Cruz's girlfriend, had recanted her charges and disappeared.

**WEST VIRGINIA** — Greenbrier Circuit Judge Jim Rowe said that he will entertain a defense motion that would bar police officers from wearing their uniforms while giving testimony. Defense attorney Martin Saffer argued that his client, an accused drug trafficker, can't get a fair trial if the police take the stand in uniform. The decision could affect prosecutors and law enforcement agencies statewide.



## PLAINS

**IOWA** — The city of Des Moines is applying for grants to help pay for a translation service that will allow police and other city employees to speak with residents by telephone in 150 languages. The service costs about \$2 per minute.

All University of Iowa police will begin carrying portable defibrillators, now that they have completed training with the equipment. The university lags behind the state's other two public universities in the use of defibrillators because it has a major hospital right on campus.

**MINNESOTA** — The city of St. Paul has agreed to settle an excessive-force lawsuit for \$270,000, the largest such settlement in the city's history. The suit stemmed from a 2002 incident in which Robert Kearney, who admitted that he was drunk, alleged that he was pushed down a flight of stairs by two officers. The officers, who were cleared by an internal review, claim that they never saw Kearney fall or noticed that he had an injury.

**MISSOURI** — Irvin Alper, a St. Louis footwear salesman who for decades kept police officers supplied with regulation black oxfords on a "pay me when you can" basis, died in October at age 84. Alper, who was robbed in the early 70's and tied up by robbers using shoestings, began taking walk-ins from police. Eventually, officers from numerous outlying departments came to the store for his discounts. Alper reportedly sold the shoes for less than half their retail price but was a little pushy about selling socks.

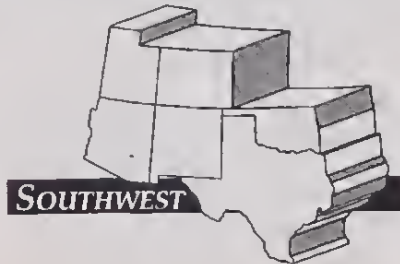
The St. John Police Department, which has had to cancel its citizens police academy over the last few years because too few people signed up for it, is teaming up with the North St. Louis County Municipal Police Chiefs Association to open it up to all North County residents. The chiefs' association has already assured St. John police that there will be at least 40 people in the class.

**NEBRASKA** — State officials hope to familiarize residents with the VINE service by launching a campaign of public service announcements. The computerized crime

offender tracking system provides information on release dates, parole hearings and court appearances. More than 7,200 people over the past five years have registered to receive telephone or email updates.

Kristine Johnson, a former convenience store manager, is suing the Gas 'N Shop company and the city of Schuyler for emotional distress after a staged robbery took place at the store. Johnson said that she and six other employees did not know about the drill in which two Schuyler police officers posed as robbers. Johnson quit her job shortly after the incident and is looking to be compensated for lost wages as well as psychological therapy, pain and suffering.

Lancaster County Sheriff Terry Wagner has issued a new policy that forbids off-duty deputies working part-time security jobs from wearing their uniforms. The edict was prompted by concern about liability for injuries incurred while working the security jobs. Wagner thinks that the determination of whether the private employer or the county is liable for an employee's injuries is clearer when the officer is in civilian attire.



## SOUTHWEST

**ARIZONA** — The Arizona Counter Terrorism Information Center was formally opened in Phoenix on Oct. 19. The 61,000-square-foot building will house representatives from 16 state and 22 federal agencies, who will coordinate efforts to prevent terrorism. The center has a central database that can be accessed by agencies in the state.

**NEW MEXICO** — A record number of civilian complaints have been filed against Albuquerque police this year, according to the city's Police Oversight Commission and Independent Review Office. Of the 237 complaints filed as of late October, 35 were sustained and five are still pending.

Two state police officers are participating in a pilot program aimed at reducing ticket-writing time. The system allows an officer to swipe a driver's magnetically encoded license through a computer, which will then print a ticket with data about the motorist. Officials hope the new system will cut down on the current 10 to 15 minutes that an average traffic stop requires.

**OKLAHOMA** — A federal magistrate has ordered Latimer County Sheriff Melvin Ellis Holly held without bail after finding probable cause that Holly made a false statement and intimidated witnesses who alleged that he had sex with female inmates. An FBI agent who testified in a preliminary hearing about the sexual conduct also stated that Holly had told some witnesses that he wanted to give police a reason to arrest him in order to "go out in a blaze of glory."

The town of Wyandotte and the Wyandotte tribe have reached a cross-deputization agreement with Ottawa County commissioners, which will allow town officers on tribal land and give tribal officers the ability to assist local law enforcement on nontribal

land. A similar agreement was reached recently with the Eastern Shawnee tribe.

**TEXAS** — Thirty Houston police officers whose productivity levels have been criticized by supervisors have been reassigned for 20 work days to an internal division where they will take police reports by telephone. If their work does not improve to the division's standards, the officers will be referred to the department's Personnel Concerns Committee.

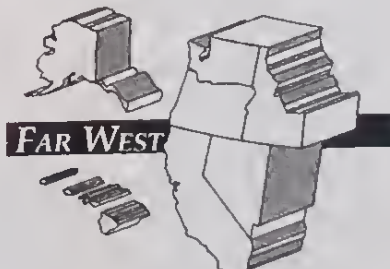
Chambers County sheriff's deputy Dirk Knearem, 40, died in a collision on Oct. 17 while responding to an accident. He was driving to the accident scene when he discovered that it had occurred outside his jurisdiction. When he turned his patrol car around, he drove through an intersection and failed to yield at the stop sign, broadsiding another vehicle.

The success of the Corpus Christi Police Department's focus on crime hot spots has led officers to look at another area of town straddling the Crosstown Expressway near Agnes Street. The area, which was tagged by police crime analysis software, will get a high concentration of patrol and bicycle police and traffic officers, as well as an increase in drug and prostitution busts.

A city-appointed panel investigating a scandal in the Dallas Police Department's narcotics division has concluded that there were botched procedures, lazy or careless supervisors, and a failure to test seized drugs. The scandal, which led to the firing of Police Chief Terrell Bolton and two other officers, occurred when a group of confidential informants planted 330 kilos of fake drugs on unsuspecting residents — mostly blue-collar Hispanics who spoke little English.

**UTAH** — All the costs have yet to be tallied, but the Lon Hacking murder investigation, which included a 33-day search of a landfill to find the victim's body, has been described as "a budget buster" by a state crime lab official. The case exhausted nearly all of the state's budget for DNA testing and on-scene forensic expertise.

In Salt Lake City, a grounded, fully fueled Boeing 727 carrying 68 federal prisoners tipped over on one wing Oct. 22 after mechanics miscalculated its center of gravity and jacked it up to replace a worn tire. The inmates were temporarily sent to county jails in Salt Lake, Davis and Weber while the plane awaited repairs.



## FAR WEST

**ALASKA** — A report from the Anchorage Police Department found that the more than 1 million contacts between police and the public from 2000 through August 2004 generated 990 complaints and 630 compliments. Police Chief Walt Monegan plans to make public more results from a computer program that tracks officer conduct.

**CALIFORNIA** — More than 1,000 old

criminal cases have so far been linked to convicted felons in the state's DNA database, according to state Attorney General Bill Lockyer. Lockyer said that the rate of linking felons to cold cases had gone from less than one a year to more than three a day.

Prosecutors in California are cracking down on drivers who are under the influence of Kava herbal tea, an anxiety-reducing supplement. San Mateo Deputy District Attorney Chris Feasel said the herb has the opposite effect of alcohol in that it inhibits motor skills before affecting mental abilities.

Seven Ontario police officers have filed suit against the city and the police department, claiming they were illegally videotaped in the men's locker room. The state's penal code makes it illegal to put cameras in any place where privacy is expected, like bathrooms and dressing rooms. Police and city officials maintain that the camera was installed to catch a thief who stole an officer's flashlight.

Former Sacramento police officer Darryl Rosen was sentenced Oct. 22 to nine years in prison, following his conviction on 11 separate counts of sexual battery, assault by a peace officer, and false imprisonment for acts that he committed while on duty.

According to a plea deal, ex-Los Angeles police officer Ruben Palomares admitted that he and other officers collected drugs, cash and guns in a robbery spree that netted them hundreds of thousands of dollars. Palomares said that the robberies were usually staged to look like police raids. The charges are the result of an ongoing investigation of the LAPD's Rampart Division.

Since the new Oakland Truancy Attendance Program Center was opened in September, police have brought over 200 truants to the facility. The center's classroom will also host agencies that can offer students help with problems like homelessness, drug abuse, and psychological issues. Police have been bringing in about 10 to 20 students a day.

Investigating the possible rape of a 13-year-old girl, San Mateo County sheriff's deputies seized the fetus after the girl had an abortion, in order to extract DNA that will be used in an attempt to identify the father. The case was reported to authorities by hospital employees after the girl tested positive for chlamydia. She then told a social worker that she had sex with a man who gave her a ride.

**IDAHO** — Jerome County Sheriff Jim Weaver said that more than 60 calves were stolen this summer during an outbreak of nighttime rustling. Weaver said ranchers and dairymen need to better protect their stock by keeping cattle in well-lit pens and branding calves.

**NEVADA** — In an unusual ruling on Oct. 22, a coroner's inquest deemed Las Vegas police officers' actions "excusable" rather than justifiable in the death of a man they shot with a Taser. Keith Tucker was on prescription drugs and cocaine when police responded to a report that Tucker was talking to himself and acting violently. Officers tried to subdue him with a baton and then with a Taser. Tucker stopped breathing, and later died of cardiac arrest. The cause of death was said to be "cardiac arrest during restraint procedures," with drugs as a contributing factor.



# Attrition, recruiting problems hurting PDs

A dearth of qualified candidates, coupled with the loss of officers who leave agencies after just a few years, often to work for another department, has thrown a monkey wrench into the growth of many departments that had increased their sworn strength during the 1990's, according to a recent study sponsored by the National Institute of Justice.

According to the findings of researchers Christopher S. Koper, Edward R. Maguire and Gretchen E. Moore, roughly half of all police agencies grew in size between the years 1996 and 1999, mostly as a result of greater demands for service and federal funding from the Office of Community Oriented Policing Services. Now, however, about 20 percent of departments, mostly smaller ones, have seen their ranks decline due to fiscal or recruitment problems.

Louisville, Ky., Police Chief Robert White does not need a study to see what is apparent in his own agency. White is working to fill a 100-officer shortage caused by an increasing number of retirements and resignations.

"Most of these officers after 20 or 25 years of service, they are ready to retire and move on to a second career," Craig Birdwhistell, director of the Kentucky Association of Chiefs of Police, told The Associated Press. "What happens is when you're close to retirement age, you can go on to something less stressful and dangerous and sometimes double your income."

The problem is finding qualified recruits to take their place. In response to the vacancies, White added 10 recruits to the

academy class in August, bringing its number of 40. Another class could begin in February.

In South Carolina, state officials blame too few troopers on the road for an increase in fatal traffic accidents this year. For the seven-month period ending Aug. 1, there were 1,597 deaths, compared to 538 during the same period last year.

Budget cuts have caused the state Department of Public Safety to decrease troop strength, said Lance Cpl. Dwight Green. "I know the numbers of the statistics is due to a lack of troopers on the roadways," Green told The AP. "When you have more troopers on the roadways, you can be more proactive in reducing the number of fatalities."

According to the NIJ study, the supply of good recruits was down nationwide during the summer of 2000. Among the factors cited by researchers were a strong economy that lured potential candidates to other fields; increasing educational requirements; unusually high rates of attrition as baby boomers retired; negative publicity over racial profiling and other issues which might turn some off to the profession, and increased hiring during the 90's that drained the pool of applicants and fostered stiff competition among agencies.

Screening and training are also taking longer. Field training takes an average of 31 weeks in small agencies, and 43 weeks in larger ones, the researchers said. One-third of departments that participated in the study said their training time had increased by three weeks since 1995. A quarter reported it

extended by at least a month.

Community policing, with its focus on problem solving and other skills outside of traditional law enforcement instruction, was cited by a third of agencies as the reason for the longer training time.

Researchers collected data through a telephone survey of 1,270 agencies during the summer of 2000. The vast majority — 80 percent — were municipal or county police agencies. Another 13 percent were sheriff's departments. Campus police, school police, state police and other agencies made up less than 10 percent of the sample.

Respondents included 553 agencies that served populations of greater than 50,000, and 717 small agencies.

The study also analyzed data to compare retention rates for federally funded positions with retention patterns in police employment from 1975 to 1994, before passage of the legislation that created the COPS office.

More than half of the smaller agencies and two-thirds of larger agencies reported difficulties filling slots, the study said. For every three vacancies filled, one was left unfilled, the report said.

Most recipients of COPS grants appear to be keeping their funded positions past the expiration of the grant, the study said. As of 2000, roughly three-quarters of agencies with expired hiring grants had kept their funded positions for at least one to two years without cutting other positions or relying on attrition, researchers found.

The vast majority of departments — 75 percent to 80 percent — said they intended to keep at least some positions after federal funding had run out. Two-thirds expected to keep all of them.

While police agency attrition rates were not unusually high in 1999, the study said, retaining new hires seemed to prove problematic for agencies, particularly smaller ones. Two-thirds of officers who left these departments stayed no more than five years. In contrast to larger agencies, where half of officers leaving were retirees, retirees accounted for only one-fifth of those who left smaller departments.

About 24 percent of those who left small agencies continued in law enforcement, as did 45 percent of those who left large departments.

"Whether this pattern has changed over

time is not known," the study noted. "But these numbers are large enough to reinforce the notion that competition is getting stronger for both recruits and experienced officers."

In Oakland, Calif., the police department has found itself short of investigators as a result of having focused most of its resources on street patrolling.

"I think it would be nice to have more [staff]," said Capt. Ralph Lacer, head of the Criminal Investigation Division and the department's acting deputy chief of the Bureau of Investigation. "Years ago, you had eight guys and a sergeant doing felony assaults by themselves and 10 in robbery," he told The Alameda Times-Star. "[We hope] some of this budget stuff [gets resolved], and we'll get some more investigators."

Oakland is also bound by the terms of a 2003 consent decree that requires sergeants in the field to approve all felony arrests. The decree also mandates an improved internal affairs division. There are 13 officers assigned to that unit, and seven sergeants assigned to investigate robberies citywide. Two of them are on loan to field operations or the Patrol Division, and one is administrative, so in effect, only four detectives are left to handle 40 new cases each week.

"There are more parking spots around the Police Administration Building for robbery investigators than there are investigators," said one officer.

Among the suggestions made by the NIJ study for retaining staff was that departments improve pay and benefits, and create incentives for retirement-age officers to stay.

In Santa Fe County, N.M., Sheriff Greg Solano has asked county commissioners for help. Without more funding to raise salaries, he said, more deputies might resign or retire.

Solano told The Albuquerque Journal that he is looking to increase current wages by 10 percent. He cited a survey showing that the Santa Fe County department ranked last in wages among 30 other law enforcement agencies in the state. Santa Fe deputies earn from \$12.83 to \$21.54 per hour.

There are currently 14 vacant positions, another four officers are on family leave, and a fifth is injured and out on worker's compensation. "We've been losing a lot of officers to the city.... It really is a crisis," Solano said.

## Locals are shut out of Illinois SP academy

The Illinois State Police has shut the doors of its Lake Springfield-area academy to local police departments, citing money problems.

The State Police announced in August that while it would continue to train new troopers, current fiscal challenges had forced it to suspend basic law-enforcement training. Municipal departments will have to send their recruits to one of five other training academies around the state.

For the Springfield Police Department, the closest academy is the Police Training Institute in Champaign, on the campus of the University of Illinois. There are three other academies in the Chicago area, and one in Belleville.

"Not to diminish Champaign's [program], but we're more familiar with the state police," said Lt. Doug Williamson, a

Springfield police spokesman. "We've been working in somewhat of a partnership. Some of our officers actually teach some of the course out there."

It will also be prohibitive for the department to send police officials out there to oversee the training, he told The (Springfield) State Journal-Register. At the state police academy, equipment and personnel could be sent out easily.

Springfield has two recruits out of a class of 150 currently at the state police academy. It will be the last class of local agency recruits to go through training there through the fiscal year ending on June 30, 2005.

A spokesman for the state police, Master Sgt. Rick Hector, said the agency hoped that the situation would be temporary. He had no further information as to the factors that led to the decision.

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# Residency rule is a yawner

## New Orleans residents don't seem to care where cops live

Opponents of a New Orleans residency rule that has been on the books since the 1950's, but largely ignored until now, contend they have proof that a majority of residents do not care if their police officers live outside the city limits.

This month the New Orleans Police Foundation released a study which showed that nearly three-quarters of residents oppose the requirement. The poll of 400 city residents was conducted in September by a political analyst and assistant sociology professor at Xavier University, Silas Lee. His findings showed 73 percent agreeing that "it's OK for police officers to live in other parishes," and 55 percent who somewhat or strongly disagreed with the residency rule.

"I think the study tells us that the people of New Orleans want their city safe and they're willing to have police officers live anywhere as long as they can help achieve that goal," said Bob Stellingworth, the foundation's president. "That's their primary concern, making the city safe to live in," he told the publication New Orleans CityBusiness.

Until 1995, when then-Mayor Marc Morial led the charge to enforce a new and more stringent residency requirement passed by the City Council, New Orleans' domicile rule was not at the top of anyone's agenda, according to local press reports. It requires anyone seeking

to work for the municipal government to live within city limits. While a grandfather clause covers those who lived outside of New Orleans at the time it was enacted, they must move to the city if they want to be promoted.

There have been periodic attempts to roll back the rule. Most of these efforts have come at the urging of the Police Association of New Orleans, the members of which are mostly white and live in the suburbs.

The city's population is roughly two-thirds African American, in contrast to the largely white suburbs. Opponents of the residency rule claim that it has made recruitment difficult. The police force is currently 1,600 officers strong, but officials would like to see that figure rise to 2,000. Just 6 percent of the 52 recruits as of Aug. 25, 2004, qualified for employment on the basis of residency. In 2003, that figure was 8 percent, and in 2002, it was 13 percent.

And while support for or opposition to the rule has tended to fall along racial lines among residents, with blacks traditionally in favor and whites opposed, nearly two-thirds of black officers are against it, reported The Times-Picayune.

Some black supporters, however, believe that the rule will curtail incidents of profiling, harassment and police brutality.

Said Edith Jones of the Urban League: "My feeling is that if police officers live in city and daily are confronted with the same concerns as the citizens of this city, they'll be more attuned to making this a better place for everybody."

According to the findings of the police foundation's poll, 55 percent said they disagreed with the domicile policy; 41 percent said they agreed. A slim majority of 52 percent of blacks agreed with it, but just 1 in 4 white people did so.

At the same time, more than half of those surveyed — 59 percent — said they believed crime was rising.

There have been more murders in New Orleans during the past two years than in any other city with a population of 250,000 or more. While homicides fell by 14.4 percent during the first quarter of this year compared to the same period in 2003, they are on pace to hit the same number as last year, 274.

"My position has been I want this to be the safest city it can possibly be for everyone who lives in this city and every tourist and visitor," said Councilman Eddie Sapir. "I want to hear from our chief of police, who is our chief law enforcement officer on the local level. I want the chief to look the City Council in the eye, and if he thinks changing the residency rule is something that will help us help him make this a safer city, I will give every consideration to what he says," he told The Times-Picayune.

Police Superintendent Eddie Compass said he "would welcome dialogue," but offered no personal or professional views on the matter, according to Deputy Chief Marlon Defflo, a department spokesman.

### Stepping out in Jacksonville:

## Community service officers ready to go

The Jacksonville-Duval County, Fla., Sheriff's Department's first all-civilian squad of community service officers is due to hit the streets in January, ready to enforce litter laws, direct traffic and respond to minor crashes.

Thirty people ranging in age from 18 to 62 enrolled in the agency's academy in August. By the time they graduate, they will have received 480 hours of training. After an additional two months with a field training officer, the recruits will operate solo as community service officers.

Another academy class of 22 began in November.

The officers will not carry weapons, and their uniforms will be akin to those worn by Jacksonville's crossing guards. They will drive around in their own marked vehicles.

"Our goal is for none of these individuals to retire as community service officers," Michael Edwards, the director of training, told Law Enforcement News. "We want them to go on to become corrections officers, or police officers, with our agency."

Each of the recruits signed an agreement with the city to complete 60 credit hours, or obtain an associate's degree, within five years. They will be paid a salary of about \$22,500, and will receive tuition reimbursement for every course in which they earn a C or better.

The prerequisite for joining the Jacksonville department is to have either a bachelor's degree, or an associate's degree with four years of law enforcement experience.

"We're looking at this as a feeder program into, No. 1, being a police officer one day, or being a corrections officer," said Edwards.

"We're trying to get these individuals before they get involved with the wrong crowd, mess up their criminal history, their credit history, things like that."

The academy's one recruit who is over 60 — a former police chief — will end up serving as a supervisor, Edwards said.

The community service officers' primary function will be to handle vehicle crashes where there is either no injury, or very minor ones. They will also provide assistance to motorists who have broken down, and help out during special events such as the Super Bowl, which Jacksonville will host in February.

Edwards said the department will also have the squad responding to some non-emergency calls, such as gas drive-offs, or the theft of a bicycle — "things where the

suspect is long gone," he said.

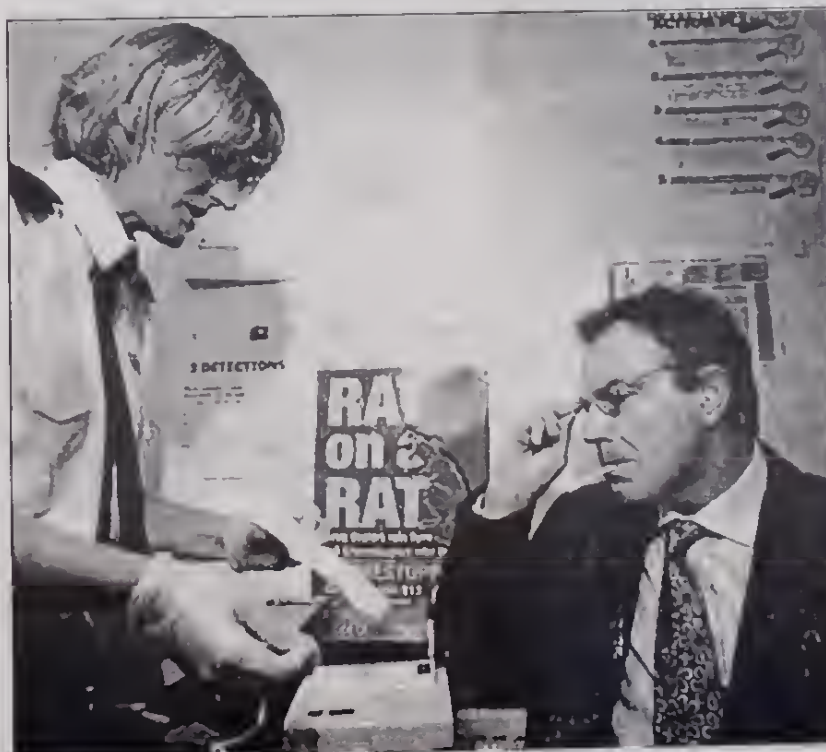
The community service officers will be dispatched when the department runs out of operators to take those kinds of calls, said Edwards. When that happens now, patrol officers are sent out.

"By having a community service officer, we'll then be giving them those type calls to handle, as well as their traffic-related duties," Edwards told LEN.

## The Blair facts

British Prime Minister Tony Blair is given a drug test by Custody Centre manager Alison Macdonald at the Slough police station near London on Nov. 25. The British government unveiled a new crackdown on drugs that day as part of a series of anti-crime measures being pushed in anticipation of parliamentary elections next year.

(Reuters)



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## Counting the days

North Huntingdon, Pa., Police Chief **Charles Henaghan** can tell you to the day exactly how long he has been in law enforcement. That's why he's leaving.

"After 35 years, 3 months and 18 days with the force, it's time," he said. "My last day on the job will be Jan. 2."

The 56-year-old Henaghan was a lieutenant with the agency when he was promoted to the top job 14 years ago. His predecessor, **William Brkovich**, left in the aftermath of a grand jury investigation into ticket-fixing.

Henaghan inherited a department he described as "a mess." His first order of business was restoring the community's trust, he said. And he has done that — and more — during his tenure.

The agency's staff of full-time officers has more than doubled, from 13 to 28, during Henaghan's tenure. Its roster of programs has also grown, with North Huntingdon now boasting a Junior Police Academy, a Citizens Police Academy and a DARE program.

Henaghan's primary interests, he told *The Pittsburgh Post-Gazette*, have been in criminal investigation, the interpretation and application of case law to police procedures and forensic science as applied to evidence.

A graduate of the FBI National Academy and the Command Institute of Police Executives, Henaghan is also a member of the executive board of the Western Pennsylvania Chiefs of Police Association, and an assessor for the state's law enforcement accreditation program.

Giving credit to the officers who have worked with him over the years, Henaghan said, "When I walk out of here on my last day, I can do it with the confidence that I have helped renew trust and confidence in our police and that people will feel safe."

## Five-year plan

When the people of Little Rock look back on his tenure, said Police Chief **Lawrence Johnson**, he would like it to be said that he did the best he could with the tools he had been given.

Before accepting the job in 1999, Johnson told city officials that he would only be staying five years. His last day will be Jan. 1. A 27-year veteran of the Oklahoma City Police Department, Johnson said he and his wife would be returning to Oklahoma.

"When we moved to Arkansas away from her family and our kids, I promised her at the time it would be for five years, and she stuck by my side," Johnson told *The Arkansas Democrat-Gazette*. "A promise is a promise. We will retire and go home."

Johnson, 53, who was the city's first black police chief, faced a situation familiar to many law-enforcement executives: how to keep crime down when there are too few officers and not enough money.

The city's overall crime rate has been on the rise since 2002. Last year, reported violent crimes were up by 18 percent. Business robberies have also soared by 67 percent compared to 2001.

At the same time that crime has been

increasing, the department is roughly 70 officers short of its authorized strength, and is expecting an exodus of another 40 who are due to retire in the coming year.

Johnson has criticized city leaders for failing to support the department as much as they could. Without a bigger budget and more officers, Johnson said, the department could not curtail Little Rock's crime.

The city's police union finds that argument specious.

**Mike Verkler**, a spokesman for the local Fraternal Order of Police lodge, told *The Democrat-Gazette* that he could not think of one initiative by Johnson that had been effective in combating crime.

Over the years, the union has called for Johnson's resignation and has given him a vote of no confidence.

"Whoever had been chief, it would have been a difficult situation," said Verkler. But Johnson had the resources to do more, he maintained.

City leaders disagree.

"In a time when the resources have been tight, and we have been through some increases in crime over the last year or so, and a jail that has been overcrowded, I think the chief has done a commendable job at keeping the numbers where they are," said Mayor **Jim Dailey**. "He has done all he could do with sometimes limited resources."

Daily credits Johnson with creating anti-crime programs including a criminal abatement initiative and a program that helps parolees adjust to life outside prison.

"I really have a great respect for the job that he did," said City Director **Michael Keck**. "History will look back on him, and he will be far more than just the first African-American as chief."

## Twice is nice

Having grown up during the segregation era in Georgia, perhaps no one is as surprised as **Louis Graham** himself at having had a law enforcement career that included stints as chief of two departments.

Graham, 65, assumed command of the DeKalb County Police Department in October. One of the first black officers to serve with the Atlanta police, Graham was also the first African-American to lead the Fulton County Police Department. Prior to his recent appointment, he was chief deputy of the DeKalb County Sheriff's Department, just down the block from police headquarters.

While many in law enforcement will say that becoming an officer was a dream come true, you will not hear that from Graham. In fact, as a child in Washington County, police were far from heroic figures in his eyes.

"We sold moonshine for a living," he told *The Atlanta Journal-Constitution*. "My stepfather had to pay the police officers off, and when he didn't pay them off, they'd come arrest him. And as soon as he paid them off, he was out of jail."

Graham became a member of Atlanta's all-black unit after graduation from the academy's first integrated class in 1966. He had applied to the department at the urging of a white officer with whom he had become friendly while working at a car dealership in Buckhead.

As a foot patrol officer in black neighborhoods, Graham said he found the



## Crowd pleasers

Los Angeles Police Chief **William Bratton** and his wife, Court TV news-woman **Rikki Klieman**, great spectators along the route of the 73rd annual Hollywood Christmas Parade, held on Hollywood Boulevard on Nov. 28.

(Reuters)

community's attitude toward police much the same as when he was growing up. They hated law enforcement, he said.

Yet there was one man they respected because he treated them with respect, Graham said — a white officer named **Clinton Chafin**. Graham decided he would let Chafin be a role model for him. The older man, whom Graham had sought out, took him "under his wing," he said.

Both eventually left the Atlanta force for the Fulton County department, which Graham helped launch in 1975. When Chafin retired as chief in 1991, Graham succeeded his mentor. Chafin died shortly thereafter.

"I tell you, I really miss him," said Graham. "He was the father I never knew."

On his first day as chief in DeKalb County, Graham told 40 of his highest-ranking officials not to listen to the type of rumors that emerge whenever a new chief takes command. As they get to know him, said Graham, they will see that those rumors are false.

He also told them not to worry if their subordinates take advantage of Graham's open-door policy. The rank-and-file should be encouraged to speak with him directly, Graham said.

Dishonesty will not be tolerated, said Graham. "I can deal with the truth, whether it hurts or not."

Graham succeeds **Eddie Moody**, who abruptly announced his retirement in August, to take effect Oct. 31. Moody and his wife, **Priscilla**, have accused county executive **Vernon Jones** of forcing Moody's retirement.

"I've had some time to really think through this process," Moody told *The Journal-Constitution*. "What's most disappointing about it is, I'm hurt. It's not on my

own terms. I would have liked to have had four or five more years."

Moody served 30 years with the DeKalb County force, three as chief.

## Bass instincts

While North Royalton, Ohio, police detective **Jay Drake** is keeping his day job for now, he says it wouldn't take much persuasion for him to jettison his 12-year law enforcement career and become a full-time bass player.

The feeling was particularly strong after working on a recent case in which a man was beaten and sodomized with a tree branch. Suspects said they had caught the man peeking through a little girl's window.

On days like that, Drake, 46, heads down to a local tavern where he plays with his country-rock band, **Buffalo Nickel**.

"If they told me tomorrow I could play music for a living," he told *The Cleveland Plain Dealer*, "you could follow the trail, every piece of my uniform, from here to my house."

Buffalo Nickel is made up of two guitar-playing brothers, **Steve** and **Larry Sanders**, singer **Debbie Scarl**, who was discovered through her karaoke performances, and Drake. The band has developed a following playing covers of Eagles' tunes and **James Taylor**, in addition to original pieces.

In addition to playing two to three times a week, Drake also takes private bass lessons.

"My problem is timing," he said, "and I know the difference between the dirty look if I'm playing too fast and the dirty look if I'm playing too slow."



## Hear, hear...

Two years ago, New York City Detective Anita Golden began learning American Sign Language because she found it beautiful. In October, she and her colleagues found it was practical, too, when Golden used her skills to rescue a deaf man threatening suicide.

It all began on Oct. 13 when Golden was called to a Brooklyn housing project by an Emergency Services Unit officer who remembered that she spoke sign language. Dwayne Jones, 25, was on the roof of a seven-story building. He already had one leg over the surrounding chain-link fence.

Golden caught the man's attention by waving, then signed "Hello, my name is Anita." She told Jones that she was a detective by making the symbol for the letter "D" and tapping her chest over her heart, indicating she wore a badge.

When she asked Jones why he wanted to kill himself, he told her that his heart had been broken when his girlfriend said she did not love him.

"He had a fight with her in the lobby, and he went to the roof, he wanted to die," Golden told *The (New York) Daily News*, which named her its Hero of the Month in November.

While Golden was speaking to Jones in sign language, distracting him, ESU officers were able to pull him off the fence. Golden accompanied him in the elevator, explaining that he was not under arrest. The police were taking him to Coney Island Hospital.

"It was a team effort," said Golden. "I just interpreted, I didn't take him off the ledge; the ESU cops did their job."

Golden, 32, has been with the NYPD for 10 years. She was raised in a police family — her father is a retired detective and her brother a state trooper. "There was nothing else, either the Police Department or the military," said Golden, who recently married a fellow officer, Anthony Hernandez.

Golden has used ASL only once before on the job, when she explained the arrest and booking process to a deaf narcotics suspect.

Her interest in the language was piqued when she attended a 9/11 memorial concert at Carnegie Hall, she said. One of the performers used sign language as she sang.

"It was so beautiful," said Golden. "American Sign Language is a more visual method of communicating, using facial expressions with gestures, not word-for-word spelling-out."

She attended classes at the Seymour Joseph Institute twice a week for two years. The recent rescue effort only reaffirmed that she needed to study harder.

"If I helped, that's great, but I want to help more," she told *The Daily News*. "Like any language, you have to use it," she said.

## Noble efforts

Any lingering doubts about the selection of Noble Wray from a strong pool of candidates for the chief's position in Madison, Wis., were swept away after his handling of two high-profile events during the earliest stages of his tenure.

Wray, 43, was one of three finalists for

## Saying 'no' to Apple source Baltimore ousts Clark, other ex-NYPD brass

With Baltimore Mayor Martin O'Malley's recent firing of yet another police commissioner imported from New York City, the department's new interim head vowed this month to eliminate any remaining "New York influence."

Kevin P. Clark was ousted in November after an investigation by Howard County police into a domestic dispute between the commissioner and his fiancée found that Clark had not been truthful with Baltimore officials about another such incident 15 years ago in New York.

Clark, 48, had told officials that he had been given a warning at that time by NYPD brass. What he failed to disclose, however, was that he had been placed on modified duty for four months while officers investigated the incident. The report by investigators did not say how the investigation was resolved, but Clark was subsequently promoted and returned to work. The incident involved his wife, to whom Clark remains married, although estranged.

"There is a very important trust that needs to exist and a very important, solid line of communication that has to exist between any mayor and his or her police commissioner," said O'Malley. "That had been taking its hits and was very strained."

O'Malley denied that Baltimore's crime statistics were a factor in Clark's ouster. By all accounts, Clark's aggressive policing style had been successful at clearing the city's street corners of narcotics and at closing Baltimore's open-air drug markets. But homicides began inching up for the first time since 1999. As of Nov. 10, there had been 249 murders, raising the possibility of Baltimore hitting its benchmark of 300 in a single year.

Rather, O'Malley said that while the domestic violence allegations were unsubstantiated, the issue had become a distraction to crime fighting efforts and had diminished Clark's ability to lead.

O'Malley had fought a losing battle to keep the report by Howard County investigators from being made public.

"Leadership involves the important element of perception," he told *The*

(Baltimore) Sun. "When that perception of leadership is eroded, it makes it impossible for that leader to continue on."

Clark has filed a \$60-million lawsuit in Baltimore Circuit Court against O'Malley, claiming his firing was unlawful and politically motivated. Clark accuses the mayor of terminating him because of the department's investigation of a city official closely linked to O'Malley, Labor Commissioner Sean R. Malone.

Malone had served as the department's legal advisor before being named labor commissioner. The police investigation grew out of a burglary at Malone's home last month. A laptop, which Clark believed was police department property, was stolen. When it was recovered, a search of its hard drive was ordered to see if it contained any sensitive police documents. A police spokesman said the computer turned out not to be one belonging to the department, and it was returned to Malone.

The lawsuit includes transcripts of emails between O'Malley and Clark. In one dated Aug. 6, O'Malley is incensed because Clark had the commanders who responded on May 15 to the domestic call at the commissioner's condo investigated [See LEN, July 2004.]

Clark is the second former NYPD commander to be fired in Maryland in recent years, and the third commissioner Baltimore has had in the past five years. Clark's tenure began on Feb. 3, 2003, when he succeeded Edward T. Norris, a former NYPD deputy commissioner. Norris had resigned as city police commissioner after being appointed state police superintendent. He was later fired from the state job after being indicted for looting a police charity of \$20,000.

Norris was convicted and sentenced to six months in prison. He should be released in January. His deputy chief of staff, John Stendrini — another retired NYPD official — was also convicted in the case. The money had been spent on liquor, women and Manhattan hotels, said authorities.

Baltimore police veteran Leonard D. Hamm has been selected as interim chief. Hamm served with the force for 22 years, retiring as a major in 1996. He returned to the department as deputy commissioner in



Leonard Hamm

No more "New York influence."

September, after having held jobs that included chief of schools police and police chief of Morgan State University.

As one of his first official acts, Hamm issued walking papers to two retired NYPD officials Clark had brought with him to Baltimore. Chief Joel Francis, who oversaw training, and Chief Anthony J. Romano, who directed the organized crime division, were given the use of a police vehicle to transport themselves and their belongings back to New York.

If a background check finds no problems, O'Malley said he would submit Hamm's name to the City Council as a permanent replacement for Clark. But council members have vowed that Hamm will not have as easy a confirmation process as Clark did.

Council members were unaware of Clark's earlier domestic abuse investigation.

"We will expect more information from the administration on his background," said Council president Sheila Dixon.

In the future, the council will ask for names of references and speak with people the nominee has worked with. "We should be able to review the contract," she told *The Sun*.

the post from within the Madison department, along with Capt. Cheri Maples and Sgt. Mike Koval. Since the departure of Chief Richard Williams, who resigned in March after 11 years, Wray has been acting chief. He served as assistant chief in charge of operations — Williams's second-in-command — prior to that.

"He'll be good," Assistant City Attorney Jim Voss told *The Capital Times*. "He'll be great. He's proven it already."

During Wray's first week as acting chief, a University of Wisconsin student, Audrey Seiler, went missing. She turned up four days later, claiming she had been abducted and that her kidnapper was still at large.

The abduction turned out to be a hoax, but it thrust Wray into the national spotlight.

His first week as chief was just as eventful. The night before Halloween an estimated 75,000 revelers crowded State Street. For the third year in a row, the party devolved into a near riot once the bars

closed down between 1:30 a.m. and 2:00 a.m. Police used pepper spray on a crowd of about 5,000 so that firefighters could rush in to extinguish a small bonfire.

Some 252 arrests were made, but property damage and injuries were minor overall.

"I think Noble handled Halloween extremely well," University of Wisconsin-Madison Police Chief Susan Riseling told *The Times*. "His cooperative actions and decisions saved the city from more damage."

Wray has outlined an ambitious agenda for his first year. At the top of the list is laying out his vision for the agency and having a strategy to make it work. It is essential, he said, to have a five-year plan in place. Wray said he would revive the practice of giving a "State of the City" report as it relates to policing to Mayor Dave Cieslewicz and the City Council.

He will also address priorities such as the growth of Madison and the expansion of

police services, along with the disproportionate number of arrests and contacts made with minorities. The key to accomplishing these and other goals is moving beyond problem-oriented policing to what Wray called "trust-based policing."

"Right now we say we are doing problem solving," he said, "but it takes place in a rudimentary and ad hoc manner."

What Wray would like to do, he said, is enhance the department's ability to get in front of problems.

"It is a sense of going beyond just the call," Wray said.

### MOVING?

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# Mergers, residency, DNA are on the ballot

*Criminal justice-related Election Day results around the nation included:*

**ALASKA** — An initiative that would have ended marijuana prohibition in favor of state regulation was rejected by 57 percent of Alaskan voters. Opponents argued that the measure would have created a complicated liability issue for employers, while advocates contended that prohibition has been both expensive and ineffective.

**CALIFORNIA** — Berkeley voters overwhelmingly rejected Measure Q, a local initiative that would have declared that city residents oppose state law making prostitution a crime, and made enforcement of existing laws the lowest priority for law enforcement. In neighboring Oakland, voters approved Measure Z, which makes marijuana possession the lowest enforcement priority. It also requires local government to develop a plan for licensing and taxing the sale of pot for private use.

In what observers have called an unprecedented turnaround, Proposition 66, the initiative that would have eased California's harsh three-strikes law, was narrowly defeated with 48 percent of the vote. As late as October, pollsters had seen the initiative leading with as much as 65 percent of the vote, but a media blitz by opponents in the weeks leading up to the election apparently

doomed the measure.

State voters approved a measure that will require the collection, beginning in 2009, of genetic samples for California's DNA database from all suspected felons. The initiative expands current state law that requires samples be taken only from those convicted of any one of 36 serious felonies. Another provision of the initiative gives individuals the right to petition to have the sample destroyed if no charges are brought, or the person is acquitted.

**COLORADO** — By a 2-to-1 margin, Denver residents approved Mayor John Hickenlooper's plan to form an Office of Independent Monitor that would have unfettered access to internal police investigations and information involving police misconduct and excessive force complaints. The plan, which required changes to the City Charter, also calls for the appointment of a civilian oversight board.

**FLORIDA** — In the race for Pinellas County sheriff, chief deputy Jim Coats easily beat Bubba the Love Sponge, the radio shock jock formerly known as Todd Clem. Clem was fired from Tampa's WXTB-FM after being sanctioned by the Federal Communications Commission for on-air ribaldry. He legally changed his name once he became a radio celebrity.

The next mayor of Miami-Dade County will be former police director Carlos Alvarez. Alvarez, a Republican, won with 54 percent of the vote.

**GEORGIA** — Clayton County voters chose former Atlanta police chief Eldrin Bell, 68, to serve as chairman of the County Commission. Bell, who becomes the first black to win the seat, has never before held an elective office. He ran with the backing of the county's business community.

**LOUISIANA** — St. Tammany Parish voters approved a 20-year, 4-mill property tax that will generate enough funding to establish, equip and staff a DNA and toxicology testing lab. The annual \$2.8 million will also provide money for a crisis intervention unit to help rape victims, and to combat the parish's high rates of suicide and drug overdose deaths.

**MISSOURI** — St. Charles voters rejected a charter amendment that would have allowed the City Council to name the next police chief. Under the current charter, the council and the mayor have to agree on hiring department heads.

**MONTANA** — A statewide medical marijuana initiative passed with 66 percent of the vote. Under Initiative 148, cultivation, possession and use of limited amounts of

pot can be used for medical purposes. The measure also shields patients, their doctors and caregivers from arrest and prosecution.

**NEW JERSEY** — Emerson voters, by a margin of roughly 3-to-1, soundly rejected a referendum to merge the town's police department with that of Bergen County. While county officials claimed that the merger would improve police services and save money, Emerson residents feared that police response time would increase and service might decline.

**NEW MEXICO** — For the fourth time since 1959, a plan to merge the Albuquerque and Bernalillo County governments has been rejected by voters. Opposition was strong in rural areas, where residents feared their interests would take a back seat to those of city dwellers. Moreover, there is little duplication by city and county governments, and thus little of the opportunity for cost-saving and efficiency claimed by supporters.

**OREGON** — Measure 33, which would have expanded the scope of Oregon's medical marijuana program, was rejected by voters, 57 percent to 43 percent. Among other provisions, the proposal would have increased from 3 ounces to 1 pound the amount that card-carrying program participants could possess.

**PENNSYLVANIA** — Bellevue voters approved a Home Rule Charter that would give its City Council the authority to pursue the merger of its police department with those in neighboring Avalon, Ben Avon, Ben Avon Heights and Emsworth. A 1994 study found that consolidating the departments would save Bellevue \$250,000 a year.

**RHODE ISLAND** — Burrillville voters approved an initiative that will expand the transferability of a police chief's required experience level, from any organized police department to any certified law-enforcement agency, including a federal one. Voters also repealed a residency requirement and eliminated the position of town sergeant.

**TENNESSEE** — Newly hired Memphis employees will have six months to establish city residency under an initiative passed by roughly two-thirds of voters. The law does not apply to current employees, about a quarter of whom live outside of Memphis. Previously, police were required only to reside in Shelby County.

**TEXAS** — Dallas County elected Lupe Valdez as its first female sheriff. The openly gay Valdez, 57, served for 28 years as a federal agent. Her opponent, Danny Chandler, was a 29-year veteran of the sheriff's department who ousted incumbent sheriff Jim Bowles in the primary.

Georgetown police officers will be reclassified as civil service workers, under a reform measure approved by voters. The measure will make the city's hiring efforts more competitive with surrounding jurisdictions, and will afford officers more job protections.

**WASHINGTON** — Known for his successful pursuit of the Green River Killer, King County Sheriff Dave Reichert won his bid for a Congressional seat, defeating Democrat Dave Ross, a radio talk show host.

## Defeat of budget measures could leave some agencies high & dry

Continued from Page 1

March or May of next year. Some council members, however, have expressed concern that a city-only tax could hurt local businesses.

"It's a bad idea," said Councilman Dennis Zine of the San Fernando Valley. "We would hurt our businesses... if you're going to buy a refrigerator or an air conditioner, wouldn't you go to the Sears in Burbank instead of the Sears in L.A.?"

Moreover, he told The Los Angeles Times, crime-fighting efforts could be undermined if the LAPD makes arrests but the sheriff's department does not have enough deputies to operate the jails.

The city's black voters may also prove to be an obstacle to getting a city-only tax passed. Although Measure A drew more than two-thirds of the vote in parts of the Mid-City area and the Westside, the margin was far smaller in South Los Angeles.

"For black residents, it doesn't matter if you make it in life; you can [still] get stopped by police," said Raphael Sonenshein, a political scientist who has written extensively about race and politics in Los Angeles. Those stops have had tremendous impact on blacks, he said, "and that has generated a lot of that ambivalence."

Without addressing the opposition in South L.A., a two-thirds vote citywide will be difficult to achieve, Sonenshein told The Times.

But while Los Angeles struggled in vain to win voter support for a tax increase for public safety, almost 70 percent of voters in Oakland approved Measure Y, an initiative that will bring in roughly \$20 million a year through increases on property and parking

taxes.

"I think that people knew that Measure Y was a very balanced approach," said City Council president Ignacio De La Fuente.

With the revenues from Measure Y, the city will be able to expand the police force by 63 officers. Money will also be provided for prevention programs and social services programs aimed at helping parolees find work and keeping teenagers out of trouble.

In San Diego County, meanwhile, voters in El Cajon approved a sales-tax increase, from 7.75 percent to 8.25 percent, that will provide \$62 million for new police and fire stations and an animal shelter.

"I'm just incredibly grateful to the community that they have trusted us with this process and that they recognize the need," Police Chief Jim Davis told The San Diego Union-Tribune. "We're going to have a state-of-the-art facility that will provide them with the kind of service they deserve."

The measure, known as Proposition O, won with 69 percent of the vote — just over the two-thirds majority it needed to pass. An oversight committee will be set up by El Cajon officials to find land where a combined police and fire headquarters can be built.

"The longer you wait on this process the more expensive everything becomes," said Davis.

¶ In Clark County, Nev., voters passed a ballot proposal that will leave it to state legislators to decide whether the county's 7.5-percent sales tax should be increased to help fund public safety agencies.

The nonbinding measure called Question 9 narrowly won, with 51.5 percent of the vote. Under the proposal, the tax would be

raised by a quarter-cent in 2005 and by another quarter-cent in 2009. But before that can happen, legislators said they wanted assurances that county and Las Vegas officials will not use the funds to cover police staffing while giving the agencies smaller budget increases each year.

"It's pretty clear from all the people I talked to, who were supportive of the ballot measure, that they were thinking the revenue increase would be supplemental" to existing budget revenue, said Senator-elect Bob Beers, a Las Vegas Republican. "That can't be accomplished if local governments redirect existing revenue away from Metro."

¶ The East Cleveland, Ohio, Police Department was dealt a blow when a measure that would have allowed the City Council to raise property taxes without having to go to voters was soundly rejected.

A five-year, 10-mill operating levy, Issue 30's passage would have halted layoffs in the department. The East Cleveland force has already withstood two rounds of layoffs. The first, in May, wiped out all of the agency's support staff, including corrections officers, clerks and dispatchers. On Oct. 31, it laid off nine officers and four other employees.

¶ Voters in St. Peters, Mo., also voted no to a charter amendment that would have placed a 1.6 percent tax on all out-of-state purchases over \$2,000. The ballot failed by a 2-to-1 margin. It was the third time in the past seven years that St. Peters officials were turned down by the electorate.

The anticipated revenue, which was estimated to be roughly \$1 million a year, would have gone into a general fund that pays for the municipality's essential services, including police protection.



### What's your problem?

Whether it's panhandling, false alarms, clandestine drug labs, or any one of numerous other issues that police commonly encounter, the man to see is Michael Scott, the former police chief who is now Director of the Center for Problem-Oriented Policing and assistant clinical professor at the University of Wisconsin Law School.

A long-time disciple of Herman Goldstein, the founding father of problem-oriented policing, Scott is working to help the strategy evolve to the next level through a series of how-to guides put out by the Justice Department. Each guide is tailored to a specific problem, with strategies that have been used and the degree to which those strategies have succeeded. Collectively, the guides represent the accumulated wisdom of numerous agencies and years of research.

In Scott's view, the "big missing ingredient" in policing is the lack of a codified body of professional knowledge that officers and agencies can draw upon while handling incidents and solving community problems. While most professions — psychologists, doctors, even auto mechanics — have a knowledge base from which to draw, law enforcement does not.

In the world of the practitioner, Scott notes, concepts like problem-oriented policing, community policing and "Broken Windows" are blended in many jurisdictions. Scott believes that the use of problem-oriented policing can produce a better outcome for the criminal justice system as a whole. He notes that in the early 90's, before crime began its decade-long downturn, the trend was to "lock 'em up by the millions." While there might have been some benefit to that approach, he thinks we're now paying the price. Financially strapped states are paying for overburdened prison systems at the expense of other social needs. Those who have served their time are returning to the community in droves and, in all likelihood, many will run afoul of the law once again.

"The single biggest realization that I came to in writing the POP guides is that I was amazed at little I knew," Scott notes. That's hard to believe, considering the breadth and depth of his résumé. By his own admission, his career path has been anything but conventional. He received his B.A. degree from the University of Wisconsin in 1980 and went on to be a police officer in Madison. After earning a law degree from Harvard in 1987, he became legal assistant to the New York City police commissioner, followed by stints as a researcher at the Police Executive Research Forum, Director of Administration for the Fort Pierce, Fla. Police Department, and assistant to the police chief in St. Louis.

It was in 1994 that Scott took on a rare and daunting law enforcement challenge: starting a police department from scratch, in Lauderdale, Fla. His "how-to" guide, as he recalled 10 years later, went something like this: "I scratch my head, and I think: 'Well, we probably need some bullets sometime. We might need some cars and uniforms. Oh yeah! We'll need some people! And we'll need some policies.' And on and on it goes." Scott believes that creating a police department was a great opportunity that was both satisfying and rewarding, but it's not a job he would necessarily recommend.

Yet of all the jobs he has held, the one he misses the most — the job he "dreams about at night" — is being a cop, because "the real rewarding police work is still done on the street." These days, with the POP Center, he's making sure those rewards keep coming.

# The LEN interview

## Michael Scott

### Director of the Center for Problem-Oriented Policing

Law Enforcement News interview  
by Marie Simonetti Rosen

**LAW ENFORCEMENT NEWS:** In a 1997 interview with LEN, Herman Goldstein expressed concern that a lot of departments at the time claimed to be involved in problem-oriented policing, but were really engaging in — to paraphrase him — superficial or peripheral endeavors. What's your take on the status of problem-oriented policing today?

**SCOTT:** American police agencies in recent years, certainly since 2001, have been understandably distracted by concerns about counterterrorism. That's where a great deal of the federal emphasis in law enforcement is currently, and also where some of the financial support for local enforcement is. Some of the attention has understandably been turned in that direction.

By contrast, in the United Kingdom during that same period of time, there's been a resurgence of interest in the concept of problem-oriented policing. In fact, I would say that the best and the leading work done today by police practitioners in the realm of problem-oriented policing is being done in the UK.

It's part of a historical fact of life in American policing that new concepts wax and wane in accordance with a number of larger social trends. It's not just the American police that have gotten distracted from the problems of day-to-day crime, but the American public to some extent has. That's partly a function of the distraction by fears of terrorist activities, but also, perhaps, due somewhat to the dramatic declines in crime that have been experienced over the past decade, which have taken the crime issue to a great extent off the front pages of the newspapers. We know that the American media has its own independent cycle of stories that are of interest to it, and the crime story is out of cycle right now. To a great extent, American police executives are influenced quite significantly by media attention. So I think this combination of factors has led to some measure of waning of interest in problem-oriented policing.

**LEN:** Do you think problem-oriented policing and community policing have a role to play in anti-terrorism activities?

**SCOTT:** I know that the politically correct thing to say is unequivocally, yes, but honestly, I'm not entirely sure. It's not because some of the basic principles of community policing or problem-oriented policing would not have relevance to the context of terrorist problems. But happily, we haven't had a high volume of terrorist incidents that would really allow police agencies to systematically study those incidents and learn from them and develop responses based on what's already occurred. We've had two, almost three catastrophic terrorist incidents in the U.S., and I don't think a lot of American police officials know instinctively how to prevent the next one from occurring. The concepts of problem-

oriented policing and community policing are very much premised on the chronic events, the repeated incidents — things we can learn from and take certain sorts of actions to make sure that the trend stops. We don't really have a 'trend' in terrorism.

**LEN:** You mentioned that some really good things are going on in Britain with regard to problem-oriented policing. Can you elaborate?

**SCOTT:** In the U.K. some things that have happened at the national level have really driven interest in problem-oriented policing. One of the key provisions of the Crime and Disorder Act of 1998 in the U.K. was to mandate that other government agencies work closely with the police to address crime and disorder problems. The police saw that as a great opportunity to engage other entities in dealing with some of the crime problems that they have to face. There's also been a great deal of national interest in



**"Problem-oriented policing requires in some respects a bit of faith that this approach doesn't specify certain types of strategies or responses."**

getting the most value from tax money for policing, so police executives are under continual pressure to deliver cost-effective results. There are national crime reduction priorities that all police agencies are expected to make contributions to, and the police chiefs' jobs are very much dependent on performing well under those sorts of national indicators. None of those conditions exist in the U.S. to any great extent. But independently, I think, there are a handful of police chiefs in Great Britain who are tremendously innovative, progressive and have made a very personal and powerful commitment to advance problem-oriented policing as a way of the future.

### Have a little faith

**LEN:** Do you think problem-oriented policing has been a contributing factor to the dramatic crime reductions in this country over the past decade?

**SCOTT:** The question is always asked as to what exactly caused the crime reduction. Most thoughtful observers of police and crime control would have to honestly say that they're not entirely sure. They can point to a number of things that have happened that are different from what was going on before that might account for it. I can't help but think that a greater focus on crime, whether it's specifically under the auspices of problem-oriented policing or otherwise, has to have made a difference. Of course, there are all kinds of other, larger social trends that account for changes in crime as well.

Problem-oriented policing requires in some respects a bit of faith that this approach doesn't specify certain types of

strategies or responses. What it does is simply require that the police take a hard look at their business: what crimes are occurring, what they know about them, what they can learn that might suggest ways to prevent them. That approach is every bit as necessary whether crime is going up or going down.

**LEN:** Goldstein pointed to the massive injection of funds for community policing in the 1990s — including the federal support for hiring 100,000 new police officers — and voiced concern that it was going to lead to more superficiality and a proliferation of efforts that might be called community- or problem-oriented policing but in fact were not. Do you think that happened?

**SCOTT:** Several things did happen during that period, and one of them is precisely that. With massive federal funding support, undoubtedly some of the funds went toward, well, more generic kinds of community relations sorts of programs under the auspices of community policing. That doesn't mean that there weren't some positive benefits realized from doing that, but certainly not all of that money and all of those police officers made very direct contributions to advancing the collective knowledge about how to control crime and disorder in this country.

But also during that time there was another school of thought that to some extent rejected the whole community policing and problem-oriented approaches entirely. This is the stuff that was paraded under the rubric of zero-tolerance policing, or aggressive order maintenance. Those were

Continued on Page 10



# Interview: The POP Center's Michael Scott

Continued from Page 9

loosely connected to the Broken Windows hypothesis. The approach was very much in contrast to what Herman had been talking about. Herman was emphasizing that crime is really quite a complex phenomenon, that what the police have to do is very complex, that each problem is different one from another, that one has to understand each problem in significant detail to make significant gains. Then this other school comes along and says, no, it's actually very, very simple. All we have to do is lock up massive numbers of people, for anything we can charge them with, from the most minor offense to the most serious, and that in and of itself will produce these reductions in crime. That happened in a big way in some cities. So at this very same moment, you really had American police going in two quite different directions.

## Guilt by association

**LEN:** George Kelling, one of the two scholars who formulated the Broken Windows thesis, is very adamant about saying that zero tolerance and Broken Windows are not synonymous, although some have tried to make them so....

**SCOTT:** I think Kelling is quite right, that the zero tolerance concept has been improperly affiliated with Broken Windows. If you really read Kelling's work more carefully, you see that he never advocated abandoning police discretion in favor of strict law

**SCOTT:** Yes. In some respects they are just different ways of conceptualizing a core set of themes about policing. All of them share in common some very important elements that undeniably have reshaped American policing. One of them is this notion that the police have got to be in closer communication with the communities that they police about the nature of the problems in those communities and how the police can best address them. They emphasize the importance of partnerships and police working with communities and communities taking greater responsibility for policing themselves. Those things are present in each of these concepts. That's a big shift from where American policing was in the 1960s.

**LEN:** We're told that the British have an approach based on what they call the National Intelligence Model. Can you talk about how that might fit into the picture?

**SCOTT:** Well, it's somewhat akin to the Compstat methodology in that it is a very formalized structure for gathering intelligence about crime patterns and criminal activity, feeding it through this intelligence mechanism, having its shape operational strategies and tactics, and provide a feedback loop. So to some extent it's very comparable both to the theoretical model of problem-oriented policing. At the same time, when one looks at it more closely, it's comparable to very conventional, traditional policing, with the emphasis on enforcement of the

once again, that there will inevitably be long-term consequences to massive incarceration. You may gain some benefit, as we did, but don't expect that benefit will come without a price at the end of the road as well.

## Setting the pace

**LEN:** Considering how far policing has come since the late 1960s, it would seem that the same can't be said for other branches of the criminal justice system. There's nothing in the courts, prosecution or corrections that would equal, say, problem-oriented policing, community policing, or even Compstat....

**SCOTT:** I think that's fair. In the past five years, though, I'd say there's been the very beginning of movement in those areas. We're now beginning to see a movement in community courts, a stirring of interest in rethinking sentencing, especially for low-level offending — both the type of sentences and the relationship that the judges have to the defendants and to the other actors in the system. I think that's a fairly significant, if not large, movement. A parallel movement is in the whole area of drug courts. These things are understood as revolutionary and radical changes in the operation of the court systems. You also have, largely emerging out of Australia and Canada, interest in the concept of "restorative justice." Those ideas, too, are sort of slowly percolating through the American criminal justice system.

Another development has been a very modest degree of interest in community-based prosecution. A handful of prosecutors' offices around the country are interested, in very modest kinds of ways, in rethinking what the role of the prosecutor is with respect to public safety by taking a broader view — again, with some parallels to community policing. The correctional realm has shown perhaps the least amount of innovation in that realm, but inevitably there's going to be some interest with all the pressure on the system.

Why those institutions — corrections, courts and prosecutors — have not innovated and thought about fundamental changes in their work like the police have is a hard question. But I think to a great extent, the police are the actors who are closest to the public, and closest to where the problems are experienced by the community. The police have nobody else to pass the problems off to, so of necessity they're forced to come to grips with fundamental issues. By contrast, the courts and prosecutors and corrections can always pass things back to the police.

**LEN:** And the police are more public and get more media attention than the other branches....

**SCOTT:** When you think about it, the police are the one institution that has very little capacity to control its workload. The police can't say, "We're very busy; sorry, there are lots of robberies happening on your block, but we're too busy." Well, the problem doesn't go away; it just means people call back, and they call back, and they call again. The problems are still there; they don't go away until the police deal with them. By contrast, the prosecutor can say, "We're too overloaded; we're not taking this case; we're not going to prosecute it." That's the end of that story. They have almost unfettered discretion in prosecution.

**LEN:** Police discretion was the research topic that

first put Herman Goldstein on the map, so to speak. Do you think police really get the kind of training they need on how to really use that discretion widely?

**SCOTT:** No.

**LEN:** Is it even something that can be taught?

**SCOTT:** I think it is — because if you can't, then there's nothing really professional about it. If you can't teach it, it ends up just being more like a whim. For professionals, discretion is intended to be something other than personal whim. We've come a long way in acknowledging that police officers inevitably do have a tremendous amount of discretion, but that being said, that's where too many police agencies leave it. It's like they say, with a wink and a nod, "Okay, guys, you've got all this discretion, please use it wisely." That's not quite enough. Police officers still need to use the discretion they have in informed, sensible ways. For example, when I started a police agency in Florida, I wrote a policy on police officer discretion that spelled out the factors a police officer legitimately may and may not take into account when making a discretionary enforcement decision. Well, no matter where I looked, I didn't find any model policies of that sort. It's still kind of rare in police policy manuals around the country that you find a pretty detailed discussion of how officers ought to exercise discretion beyond some broad platitude that they have it and it ought to be exercised judiciously. Well, police officers need more than that.

One of the things that ought to inform police discretion is knowledge — what do we know about a particular problem, what are the effective ways to handle it. That's why, for example, we trust doctors to make discretionary judgments about our medical treatment. We count on them having some understanding of whether it makes more sense to operate or not to operate, knowing that there are alternatives out there, and knowing that there are costs and benefits to a variety of treatment options. We rely on them having some basis of knowledge to apply to our situation. Police officers need that basis of knowledge as well. They need to know that, okay, I've got a domestic violence situation in front of me; I know that I've got three or four different options that I could apply here. Based on my understanding of the facts of the situation and what we know generally in the profession, I choose this option. And I can articulate why I chose that option, based on an application of the facts in this setting to professional knowledge. Unless you provide police officers with that professional knowledge, then they're making discretionary judgments somewhat in the blind, and they're not much more than weakly informed guesses and preferences. And that's a world of difference. So I think there's a tremendous amount of work yet to be done to develop and cultivate police discretion by building up that body of knowledge on which it ought to be based.

**LEN:** And is that the reason you began the POP guides?

**SCOTT:** Yes.

**LEN:** Could you talk a little bit about how that series came to be?

**SCOTT:** Well, it was mainly a happy

## "Unless you provide police officers with professional knowledge, they're making discretionary judgments somewhat in the blind."

enforcement; really quite the opposite. Nonetheless, a lot of this stuff just sort of floated around out there. That happens when you have these theoretical concepts. Occasionally, you get practitioners who will do what they wanted to do anyway and then find an academic or theoretical hook to attach it to. Sometimes that's legitimate, and sometimes it's really quite transparent.

I think it is fair to say that a number of these concepts like Broken Windows and community policing and problem-oriented policing are complementary. They're not in diametric opposition to one another. It doesn't make each of them 100 percent right, or 100 percent wrong. Every police agency has blended these concepts in their own way, in some way that made sense, especially in the context of the problems they were facing. It's really hard to tease it all apart and then say, this was broken-windows driven, and this was problem-oriented-policing driven. That's a bit artificial. So I think there is this realm in which practitioners operate, where it isn't all that critical that they know exactly how what they're doing fits into a theoretical concept. At the same time, I think it continues to be important for academics to have these debates, because academia has a powerful role to play in influencing the direction that police go — no dictating, but influencing.

**LEN:** And the same time, I guess one could say that themes like community policing, zero tolerance and Broken Windows are all part of a larger package....

criminal law and the apprehension of offenders, and without the preventive focus and the emphasis on alternatives to the use of criminal arrest and to solve problems.

**LEN:** Wasn't one of the fringe benefits of problem-oriented policing supposed to be, ultimately, fewer arrests or, if you prefer, a diminished reliance on the criminal justice process? Was it too Pollyanna to think that that could have been one of the outcomes?

**SCOTT:** I don't know if it was too idealistic. A fact of life is that police agencies, especially American police, don't march to any one drummer, they march to a number of different drummers. Herman Goldstein was an important, powerful and loud drummer, but that doesn't mean that his was the only message. Like I said, there was at the same time, or certainly at the beginning of the early 1990s, a competing view that really was not the least bit connected or plugged into the problem-oriented stuff that said the answer is just to lock 'em up by the millions — and that was done.

Of course, some of Herman's fears, and the reasons he was talking about the need for alternatives to the criminal justice system, are now coming to pass. There's a massive new interest in offender re-entry. State after state is desperately looking for ways to relieve its prison crowding problems and the expense that goes along with that. Well, gee, there's a big surprise — put millions of people in prison and jail, and millions of them are going to come out, and you've got to deal with them. So we've got to learn this lesson



**"As I read the literature in the police projects on problem after problem, I realized, wow, if I had known half this stuff when I was a cop, or even a police chief, I could have done so much more."**

coincidence of an idea that Herman had floating around in his mind for the past four years along with a funding opportunity that had emerged out of the COPS office. Key people in that organization had learned about problem-oriented stuff and read some of Herman's work and understood some of the fundamental issues, so they created funding opportunities.

In my view, the single biggest gap in the whole professionalization of the American police has been this absence of a body of knowledge. It's the *big missing ingredient*. When I introduce the POP guides to audiences, I often begin by reflecting on what other professions have that we do not. The psychologists and psychiatrists have the Diagnostic and Statistical Manual, the DSM4. The doctors have their medical encyclopedia. Auto mechanics have their volumes on how to repair every model of car. The accountants have their stuff, and the lawyers have their own massive amounts of literature. Then when you look at what police have — well, there's stuff out there, but there's not a lot on how the police can best deal with these kinds of problems. So knowing that there was such an enormous gap, the POP guides project was a fairly modest effort to begin assimilating the knowledge that we do have, blending both research-based knowledge and practitioner-based knowledge in a sensible way and organizing it around specific problems. That was the impetus for it.

The single biggest realization that I came to in writing the POP guides is that I was amazed at how little I knew. I fancied myself well read, interested in all these things, and as I read the literature in the police projects on problem after problem, I realized, wow, if I had known half this stuff when I was a cop, or even a police chief, I could have done so much more. There is a ton of interesting stuff out there that we just have not made accessible to our people.

**LEN:** Actually, there are three different types, aren't there?

**SCOTT:** There are now; originally there was just one.

**LEN:** Can you explain the differences?

**SCOTT:** The first type, at the heart of the whole series, is what we call problem-specific guides. Their focus is the specific behavioral problems that police have to deal with, ranging from assaults in and around bars to all kinds of others: burglary of retail establishments, bullying in schools, graffiti, thefts from cars, identity theft, and on and on. Those are the main guides, with each of them intended to summarize research and practice about what we know about that problem, how we ought to analyze that problem in a local context and, most important, what we know about what does and doesn't work.

A second series of guides, called problem-solving tool guides, are aimed at helping police and researchers in the process of studying problems. The first one to come out was, how do you tell when you've made any difference? How do you measure the effect of what you did? We have a new one coming out on repeat victimization, its implications, and how do you really apply it to your work? We've got one coming out on

how much we interview offenders, not for the purpose of making a criminal case, but for the purpose of solving a problem — understanding the problem of auto theft by interviewing auto thieves. We'll have a whole series of these very practical tools for how to study a problem.

And then with the third series, it occurred to us that the police rely on a handful of very large strategic responses that they apply to many different kinds of problems. Well, what do we know about certain police responses? For what kinds of problems do they work, and for what kinds of problems do they not work?

"The Crackdown" was the first one. Police very commonly rely on intensive enforcement campaigns, or "crackdowns," to achieve a whole number of practical objectives, whether it's reducing drunk driving, or auto theft, or gun crime.

So this series will focus on the big strategies that the police commonly use. One that will be coming out soon will focus on closing streets and alleyways. If you shut down a street or block the traffic — and this is fairly commonly used by police — what can you expect to occur? Does it work for controlling drug dealing? Does it work for controlling prostitution? What are the consequences of doing it? So we have these three series of guides where one complements another.

### Gourmet cooking

**LEN:** Looking back to the early vision and evolution of problem-oriented policing, it first germinated locally, using local resources, local people, local everything. Then when you fast-forward 20 or so years ahead, we find these guides — packaged goods. Are they meant to be a kind of one-size-fits-all prescription? Is there some kind of irony here?

**SCOTT:** Like, are they cookbooks or recipe books? [Laughs.] When one gets into reading any one of them, over and over you see these recommendations, these reminders, not to just take this off-the-shelf advice. You need to think about and study your own local problem. In a certain sense, the local conditions make all the difference in the world. These are intended to be thought-provoking general guidance, but never, never to substitute for local knowledge. When you actually look at where the knowledge came from, it comes from local application. It comes from either a research study that was done in one place at one time in one police agency, or a police initiative that was written up in an unpublished report in which the police are saying, well, here's the problem we had at Ninth Street and Main, and here are the conditions. The knowledge is built not from abstract theoretical stuff, but from very localized police experience.

**LEN:** Are there many more coming out?

**SCOTT:** There are currently 30 in print right now and another 30 on the drawing board. We have crimes against tourists coming out soon; disorder in budget motels; robbery of taxi drivers, and bomb threats. A very interesting one will focus on illicit sexual activity in public — that should be a best seller [laughs]. But it's a very difficult problem for police to deal with. You have all kinds of political sensitivities, but it's a real problem. Police understand that. You don't

have to be a prude to recognize that this can still be a community problem. There are also guides coming out on underage drinking, street racing, bank robbery, and open-air drug dealing. So quite a few of them are in the works.

### The DIY agency

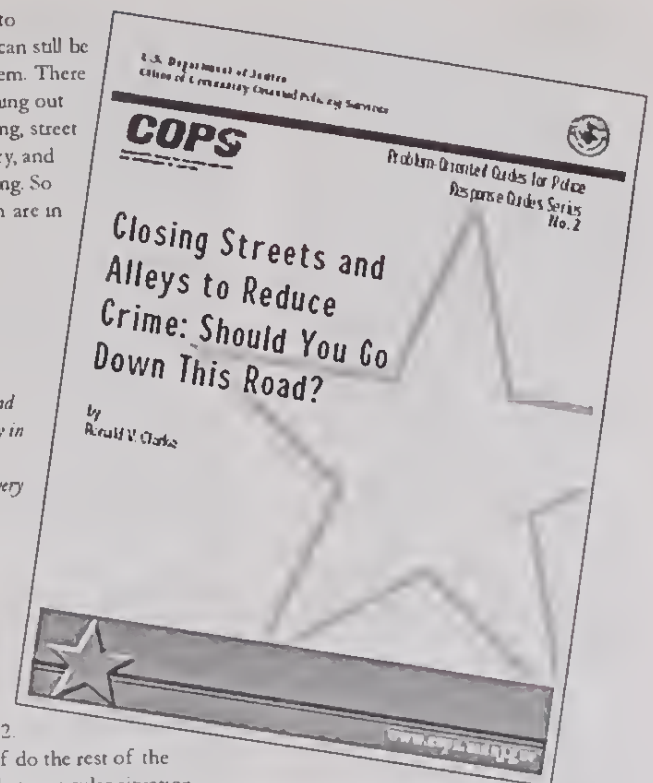
**LEN:** Earlier, you mentioned that you had started a police agency in Florida. That's not something one hears very frequently. How did that come to pass?

**SCOTT:** Well, talking from the City Council's perspective, it was Step 1: hire a police chief. Step 2: let the police chief do the rest of the work. [Laughs.] That particular situation involved a community in Broward County that previously had contracted for its police service from the sheriff's department. The city elected to terminate that contract and to recreate its own municipal police department. It had had one several decades earlier. So I was hired as the first chief to build that police department. It's something that happens probably more than you would think. At any given time there may be a half dozen, maybe 10 new emerging police agencies across the United States. Of course at the same time there are police agencies going out of business.

**LEN:** So how does one go about building a department?

**SCOTT:** I often tell my colleagues that it was one of the greatest opportunities one could ever have — and if you're ever given that opportunity, I recommend you pass on it. It's very satisfying, very rewarding to do it, but it's a tremendous amount of work. It reminds you in a very stark way how intricate and complex police organizations are. We take for granted all that's involved in the running and establishment of the police organization. They are enormously complex enterprises. Most of us, whether we're talking about first becoming a police officer, or a police chief, we're going into an existing organization where 95 percent of what needs to be done is already done. You simply learn how a system operates. It's a whole different enterprise when you start from scratch. Nobody's written a book that says this is how you start a police department. So I sit down at my desk, and I scratch my head, and I think: "Well, we probably need some bullets sometime. We might need some cars, and some uniforms. Oh, yeah! We'll need some people! And we'll need some policies..." And on and on it goes, and you just begin listing the stuff and you get to work trying to put it all together. So I learned a whole lot of very interesting things about the whole process of building an organization and building a culture.

**LEN:** How big of a department is it?



**SCOTT:** Well, it started at one — me. When I left, it was a little over 100 employees. It's a community of about 50,000 people, and it's grown since then, both the community and the police agency.

**LEN:** What was it in your background that led you there? What made you decide to take on a challenge like that?

**SCOTT:** At that time I was working in the St. Louis Metropolitan Police Department as a special assistant to the chief of police, responsible for the implementation of problem-oriented policing. Just prior to that position, I had worked at the Fort Pierce, Florida, Police Department, so I had some familiarity with South Florida. Certainly, my career path is not a conventional one. I've worked, I think, in six different police agencies in my career, not in that traditional progression of promotions through the ranks of a single police agency. I've worked in various civilian and sworn capacities in police agencies.

**LEN:** What was the toughest job?

**SCOTT:** Well, police chief is a very tough job, but it's a different kind of toughness than being a police officer. A police officer can be in some respects the most challenging — I certainly thought it was the best job — but being the chief executive is much more challenging than any other of the administrative positions, whether you're an assistant chief or a commander or any of the other executive positions. The chief of police position is the most unrelenting, one of the most stressful and demanding, and with continual kinds of challenges. But at the same time, it can also be tremendously rewarding.

**LEN:** Do you miss active-duty policing?

**SCOTT:** Sure I do, but if you ask me what kind of policing I miss, I'd go back to what I just said: I miss street policing. If I have

Continued on Page 14



# States take new tacks against sex offenders

States seeking new ways to keep track of their most dangerous sexual predators and prevent them from committing further offenses are entering uncharted waters when they start using such means as asset forfeiture and information about offenders' partners and relatives on online registries, according to some legal experts.

In Englewood, Ohio, authorities in August renewed a civil action filed in 2002 to seize the home of Brian R. Gillingham, a twice-convicted sexual offender.

Gillingham, 37, had been sentenced to 11 years in prison in July for a crime involving a 7-year-old boy and distributing child pornography. Judge Dennis J. Langer of the Montgomery County Common Pleas Court described how the defendant ordered the child to strip before Gillingham paddled him, and then struck him 23 times with his hand while videotaping the entire incident.

Assistant U.S. Attorney Pamela M. Stanek said the 2002 forfeiture proceeding had been put on hold because of the corresponding criminal case. Should the forfeiture be granted, Gillingham would lose his \$140,000 house. The proceeds from its sale would be redistributed to federal and state law-enforcement agencies. The municipality would also get a share of the proceeds.

While asset forfeiture is not commonly used in cases involving sex offenders, there are approximately 250 relevant civil and criminal laws that allow authorities to take property from defendants involved with illegal drugs, pornography and terrorism, among other offenses.

The theory behind the action is to prevent further crimes from taking place, said Lori Shaw, a law professor at the University of Dayton. For example, a drug dealer may be sent to prison, but the house where he sold the drugs may continue to present a problem for law enforcement.

Still, asset forfeiture is used rarely in sex offender cases. "It's not very common locally," Stanek told The Dayton Daily News. "I'm not aware of any other action at this time."

The forfeiture, said Langer, will not only

benefit Englewood financially, but will send a "strong and clear message that this kind of activity in the city will not be tolerated."

U.S. Attorney Gregory G. Lockhart said the state could have seized the property, but federal prosecutors had already started the forfeiture process.

In Massachusetts, only weeks after a unanimous ruling by the state's Supreme Judicial Court eliminated any remaining challenges to the posting of sex offenders' names, addresses, crimes and photographs on the state's online registry, officials in August expanded the site's available information to include the addresses of offenders' partners and relatives.

Charles McDonald, a spokesman for the Sex Offender Registry Board, acknowledged that the board had no explicit legal authority to post such data. The decision was based on the grounds that having such information would help law enforcement keep better track of sex offenders' whereabouts.

"We feel we have the authority to do this, because the law says a sex offender must provide his home address," he told The Boston Globe, "and this is essentially an extension of amplification of the home address."

But Barbara Fedders, an instructor at Harvard Law School's Criminal Justice Institute, accused the board of not "acting in good faith."

The law specifically allows for the dissemination of an offender's home address, workplace and institute of higher learning, she told The Globe. It does not say that any address the offender may visit can be included.

Fedders said she expected a legal challenge to including the additional addresses.

But the decision by the board is in line with pending state legislation, and instructions to at least one police force to try and obtain an alternate address for offenders.

In January, a 34-year-old Woburn woman and her 12-year-old daughter were murdered, allegedly by a sexual offender. The suspect, Michael J. Bizanowicz, was registered in Lowell but spent a considerable amount of

time in Woburn where his girlfriend lived, according to police.

The murders prompted Lowell Police Chief Edward F. Davis 3rd to review how information on sexual offenders was collected by his agency. Davis instructed officers to obtain alternate addresses from those offenders willing to divulge them, and if not, from paperwork or other information uncovered during sex crimes investigations.

A bill filed after the murders in Woburn, sponsored by state Representative Peter J. Koutoujian, a Newton Democrat, would require offenders to provide alternate addresses or face criminal sanctions. The measure is awaiting legislative action.

Massachusetts has taken other steps to monitor its population of convicted sex offenders.

In September, the state announced that it would require all Level 3 sex offenders on probation or parole to wear electronic ankle bracelets and carry a Global Positioning System unit at their waists. Level 3 offenders are considered the most likely to re-offend. Massachusetts has 1,100 Level 3 offenders living in the state; 200 are on probation or parole.

Under the \$1-million pilot program signed into law by Gov. Mitt Romney, the GPS units would alert probation officers when offenders have entered what the state

## No-shows

The Illinois attorney general's office will create a task force to locate nearly 400 convicted sex offenders who have failed to register their addresses with police.

Attorney General Lisa Madigan said that these 398 offenders have "fallen off the radar." Postcards sent to remind them that they have to re-register with local law enforcement were returned as undeliverable or sent to the wrong address, she told The Associated Press.

In all, the state has lost track of 10 percent of the 17,000 sex offenders that live in Illinois. About 1,300 are believed to be living at the same address, although they have not registered this year with police.

calls a "zone of exclusion," such as a playground, or the home of a prior victim.

"If you are a Level 3 sex offender and doing the right thing, you probably want this on, because you won't be called in by police every time something happens in your area," state Senator Steven C. Panagiotakos told The Boston Globe. Panagiotakos, a Lowell Democrat, sponsored the budget provision of the program.

## Rookies face months of fixed-post training

It's going to be a long year of on-the-job training for Baltimore's rookie officers, most of whom have been assigned to street corner posts in some of the city's worst neighborhoods under an initiative launched by former Police Commissioner Kevin P. Clark.

The district stabilization unit, as it is called, has stirred some controversy. Critics, including Baltimore's police union, complain that it will deprive recruits of much needed experience, and will simply displace crime into other areas. Police officials, however,

contend that saturating targeted communities makes a difference to residents.

Clark, a former New York City police commander who was fired as Baltimore's top cop earlier this month [see "People & Places," Page 7], tried the idea out last year, but only for four months. The 43 recruits in the new unit can expect to be manning about 10 city street corners for the next year.

While they primarily write out citations for such violations as loitering, they can talk to residents and stop drivers for infractions like expired licenses.

The rookies work in pairs each night Wednesday through Monday, from 8 p.m. to just before 4 a.m. The pairs are placed one block apart, rotating corners every hour or half-hour. As they gain experience, they will be placed farther apart. A roaming supervisor monitors the trainees' performance.

Two out of every eight working days, the rookies will work days riding along with patrol officers in their district.

"What kind of training are these officers receiving just standing on a corner?" asked union president Dan Fickus. "That's not sufficient."

Some law enforcement experts agreed.

Edward Mamet, a retired New York City police captain and president of a law enforcement consulting firm, told The (Baltimore) Sun that he was unimpressed with the program. "Because they're on a fixed post they can't do very much," he said.

Fickus met with top police officials over the summer to express concerns about the recruits' morale, as well.

But Chief Joel Francis, who oversees police training, said morale was not a priority. "We've freed up [regular patrols] to answer more important calls," he told The Sun. If their morale is hurt, that's fine. The bottom line is what this city needs."



**Good News!**

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Kaip:

# Giving new life to community watch efforts

By Sarah Kaip

The Associated Press reported this month that Camden, N.J., is the nation's most dangerous city, according to an annual report by Morgan Quitno Corporation. Murder, rape, robbery, aggravated assault, burglary and auto theft placed Camden ahead of Detroit, long-time holder of the dubious distinction.

Camden hasn't always had such a reputation. It was once a booming industrial town. The Campbell's Soup company, RCA radio factories and shipbuilders provided jobs and security for its inhabitants. When the factories closed and residents moved to the suburbs after World War II, crime and economic hardship set in.

Camden is now one of the most impoverished cities in the country. Its blue-collar crime rate is two and a half times the national average, and white-collar crime is unusually high among local government officials. About 17 percent of its nearly 90,000 inhabitants are white. The rest are mostly black or Hispanic.

In an attempt to get a handle on crime, Camden implemented a community watch program in 1975 under the direction of Crime Prevention Officer Joe Cupparo. Crime soon began to decrease, but like most watch programs, the motivation to keep it going dwindled almost to nonexistence. Volunteers faded out of the picture, and

*"You can't solve crime in huge chunks. You have to 'take a bite out of crime,' one small, manageable piece at a time."*

crime was once again on the rise.

Unhappy with their No. 1 ranking, Camden officials point out that they are already taking steps to reduce crime once again. Officer Cupparo recently called on Crime Prevention Resources (CPR) in Medford, Ore., for ideas on how to help district coordinators and block captains motivate and lead community members. CPR's Community Watch trainer, Devin Adams, was soon on a plane with a plan to get their program off the ground and running again.

On Aug. 14, 2004, district coordinators, block captains and law enforcement officials from four states gathered at Rutgers University in Camden for a one-day, seven-hour workshop. Half of the participants had no watch program established. The other half had programs but struggled to keep them alive. "My job is to show both inexperienced and veteran leaders how to start an effective program and keep it successful for the long-term," explains Adams. "I don't want to have to come and resurrect a city's program every year," says Adams, "but I will

if that's what it takes."

Based on the "Community Watch Administration Manual" published by CPR, Adams teaches participants how to plan, implement, manage, publicize, promote and evaluate a watch program. It also teaches leaders how recruit volunteers, raise funds, conduct meetings, identify and report crime, and maintain motivation. "Anyone can get a program going," explains Adams. "You don't have to be a distinguished government official to make a difference. Some of the most important changes have come from humble citizens who simply have a passion to make things better."

One of those humble and passionate citizens is Robin Perkins, an East Camden resident. Perkins serves as a block captain in her neighborhood where prostitution was a constant problem. Perkins and her boyfriend would follow johns in their cars and get them to stop. One-by-one they told johns and prostitutes not to come back to their neighborhood or they'd call the police.

After learning in the workshop how to use a "telephone tree," they got their

neighbors involved. They began taking down license plate numbers and calling neighbors to let them know a car was headed their way. The entire neighborhood banded together to fight prostitution. "Before the workshop, we'd always discuss crime after it happened," explains Perkins. "We weren't very organized. After the workshop, we got proactive. We started thinking of ways we could prevent crime in our neighborhood."

Perkins emphasized that it has to be one issue at a time. "In the workshop I learned that you can't solve crime in huge chunks. You have to 'take a bite out of crime,' one small, manageable piece at a time."

The small town of Salida, Colo., used Community Watch to deal with an even more serious problem. Throughout the West and Midwest, the infamous "smiley face bomber" left bombs in residents' mailboxes, along with his smiley face insignia somewhere nearby. The bombs caused injuries to citizens and significant property damage.

Sgt. Michael Bowers, who had learned about the importance of communication in a 1997 Community Watch workshop, alerted district coordinators and block captains on what to look for. Block captains passed the information along to neighbors in their blocks. As a result, a resident knew to call the police when she found the insignia. The bomb was defused before anyone was hurt.

At the workshops, attendees get firsthand experience in how to prevent these types of crimes. Participants break into groups and practice the responsibilities of a steering committee. Each group is a simulated community. Participants conduct a crime survey, determine the needs and concerns of the community, and come up with a plan to address those needs. When the groups reconvene, each group receives feedback.

Each participant also receives a copy of the "Community Watch Administration Manual," "The Citizen's Official Guide to Crime Prevention," "The Block Captain's Handbook," and all Community Watch forms and decals produced by CPR.

CPR has been helping communities fight crime since 1986. It offers quality educational materials and Community Watch training. In addition to Community Watch, CPR also specializes in business crime, personal safety, and drug prevention. If your community needs a jump start on establishing or improving a watch program (including Business Watch), call Devin Adams at 1-800-867-0016 or go to [http://www.crimeprevent.com/docs/cw\\_seminars.htm](http://www.crimeprevent.com/docs/cw_seminars.htm) to learn more about this workshop.

*(Sarah Kaip is director of research and development at Crime Prevention Resources in Medford, Ore.)*

## Note to Readers:

*The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.*

*Readers are invited to voice their opinions on topical issues, in the form of letters or full-length commentaries. Please send all materials to the editor.*

## LETTERS

### Ethics & sleep deprivation

To the editor:

The Forum piece on police ethics [LEN, October 2004] delineated problems associated with shift work and poor sleep hygiene, and then condemned officers who took naps while on duty. By doing so, author Dennis Rodriguez created a conundrum for conscientious officers by acknowledging that they can become impaired due to sleep deprivation but gave them no safe alternative. In fact, Rodriguez states that sleeping on duty "poses a genuine risk for injury or death."

I agree with Rodriguez that the ultimate responsibility for an officer's actions belongs squarely on the shoulders of the individual officer. However, I vehemently disagree with his assertion that the responsibility for curbing sleeping on duty belongs solely with each officer. Rodriguez's view of who is responsible for the health and safety of police officers is short-sighted and ill-informed, in part because he has failed to address the security needs of departments that mandate overtime for their officers due to staffing shortages. Nor did he consider officers who have suffered some financial crisis due to a divorce, the birth of a child, or an ill spouse who can no longer work, and the subsequent need for overtime shifts and even second jobs.

The burden of safeguarding the public and protecting those who do the safeguarding rests on each department head. It is up to the chief to set the cultural as well as ethical standards for the department and those standards must include, first and foremost, taking care of yourself. Self-care is neither hedonistic nor self-centered, but a

practical matter. If an officer is in poor physical and or psychological health, then of what use can he or she be in terms of protecting the public? The departmental culture must put the officer's health first by being both sensitive to the human need for sleep and the very real demands of being a father, a husband and a provider.

True, it is up to each officer to say when sleep is needed, and to limit willingness to accept extra duties. However, because of the pressure within some departments — indeed, too many of them — few officers feel that it is safe to turn down extra responsibility without the fear of retaliation from supervisors or peers. The idea that each officer is invincible or, at the least, impervious to the need for sleep, unfortunately remains the norm within many departments.

What gets lost in Rodriguez's biased coverage of shift work and sleep deprivation are the health risks associated with chronic sleep deprivation. Maybe more misleading is the scant coverage of the cognitive problems associated with just a few hours of sleep deprivation. I believe that with proper constraints, it is far safer for an officer to take a power nap while on duty than it is to have an impaired officer drive a car, fire a weapon or make split-second decisions.

When I teach officers who find themselves faced with having had too little sleep and too many demands placed on them by their department, I urge them to put as much of the responsibility as can be done right back on the department. I do not advocate turning down mandated work assignments; rather, I suggest they say something like "Okay sergeant, but I need to tell you that I have had about 4 hours of

sleep in the last 36 hours and I am really tired." And then document the details of the conversation.

A department that puts the health of its officers first would respond to that same sleep-deprived officer by saying, "We still need to have you work but how can we ensure that you will be safe and fit for duty?" A dialogue would ensue which would accommodate both the physiological needs of the officer and the security needs of the department. One possible solution is for the officer to take power naps as needed within the facility throughout the shift. Or take naps while riding as passenger in a patrol car. In the latter case, some precautions must be worked out with the driver so that he or she alerts the napping officer before engaging in any activity other than driving the patrol car. Some officers have found themselves in dire straits upon waking up to gunshots following a traffic stop where their partner had not first alerted them to the stop.

Police officers are not and truly need not be invincible. They do need to take care of themselves and one way of doing so is to create a culture that understands the internal and external time pressures and to make reasonable accommodations for the need to sleep. I would rather know that the officer showing up at my door at 0300 to rescue my wife from a would-be assailant was well rested and fit for duty, and not one who was unduly influenced by the John Wayne style of police management that Rodriguez proselytized in his article.

MARK I. HOLBROOK, L.C.P.C.  
Brunswick, Maine

*(The author, a former police officer, is a child and family therapist in private practice.)*



# Michael Scott on problem-oriented policing

Continued from Page 11

dreams at night, it's dreams of being on the street again — not dreams of being at another staff meeting [laughs]. It's not dreams of testifying before the city council. As terrific as that job was, the real rewarding police work is still done on the street.

**LEN:** A lot of officers would probably feel the same way, begging the question of why there couldn't be what I'll call horizontal promotions....

**SCOTT:** A handful of police agencies have found ways to do it. The Los Angeles Police Department has had for many years the concept of the Senior Lead Officer. And I think that's a step in that direction, to reward somebody for their competence and skill at the job of street policing.

**LEN:** All too often the only way to make more money or achieve greater recognition is through becoming a manager, which for some people might be utterly the wrong move....

**SCOTT:** Right, and that's a very painful thing to see. You see it in so many police agencies — police commanders who are either out of their element or out of their area of expertise. They were great street cops. They didn't fully appreciate that the business of being the commander or a chief was basically about managing people. And they're just trapped, because now they have the status, the rank, the money, and that there's no going back, and they're as unhappy as can be.

With the New York City Police Department, the pressure is in one of two directions: either promotion or toward that [detective's] gold shield. Both of those paths take you away from the business of street policing. Unfortunately, they've never really found a way to reward and recognize the value of a good street cop. In the end, it's the community that suffers by losing those

good people. So that remains unfinished work in the American police profession.

## Civilian life

**LEN:** How would you assess any current trend toward increased civilianization in policing?

**SCOTT:** One trend that I see in policing today that I think is going to become increasingly important — and I think police agencies are beginning to recognize it — is the value of properly trained, properly educated, properly supported analytical staff. Most often civilians are brought into the

SCOTT: There are a whole bunch of issues tied up there. But just looking at the New York City Police Department, for example, people sometimes forget that the chief executive is a civilian and has been for quite some time. People don't really think of the police commissioner as a civilian — they usually come with a police background — but nonetheless, most people acknowledge, in New York at least, that you don't have to be a sworn officer to run this department.

Still, there will always be a bit of a cultural gap between sworn and non-sworn, and to some extent there's something inevitable and nothing wrong with that.

**"The worst reason in the world to civilianize is to save money — and unfortunately, it's done too often for that reason."**

organization specifically for the purpose of supporting the operational police with understanding crime problems, helping them think through new strategies, and, as important as anything, measuring what impact the policing strategy has on a problem. It's a whole emerging specialization in problem analysis that I think is going to become increasingly important for policing agencies. Agencies that have professional analysts, as well as those that don't, recognize the importance of these skills and of knowing how to make sense of all the massive amounts of information police departments have about crime patterns.

**LEN:** Is there anything of a "blue wall" or cultural barrier that exists between sworn and civilian members of a police agency, particularly if we're talking about civilians at fairly high levels, where cops don't see them as "one of their own"?

Sworn police officers have a different set of experiences. Nonetheless, it is entirely possible — and I've seen it plenty of times — where the sworn officers come to genuinely value the contributions of their civilian counterparts. It doesn't mean they think of them as fellow cops. It's just that they contribute something that the police officers know they themselves don't possess, whether it's the time, the skills, or the particular set of knowledge and background. So the crucial thing is that it's not whether the position is civilian or sworn; it's how does that position make a meaningful contribution to better policing?

Every comment I might make about endorsing civilianization, I also want to qualify it by saying that civilian staff in police organizations have got to always be mindful that they're there to support the core operation of policing. Everything that they

do, whether it's running the computers or running the personnel system, analyzing problems or operating the dispatch system, ought to be constantly informed by the experience, wisdom and judgment of the operational personnel. They should never assume that they know better. I've seen so many elaborate police computer systems that are worthless because it's just the techies who designed them, and they don't have an understanding of the purposes to which they need to be put. So for all of this to work, anytime you have an intersection of sworn police and civilians, the whole art of communication and translation is critically important. Both sides have to be willing to listen to the perspectives of the other, to get somebody to help them translate, because otherwise you get these real disconnects, and it fosters the cultural resentment of civilians.

**LEN:** How does one go about making a better case for civilianization?

**SCOTT:** Well, the worst reason in the world to civilianize is to save money — and unfortunately, it's done too often for that reason. The best reason, the only reason, it always ought to be done is with an eye toward improving the quality of policing delivered to the public. And that can be done if you can free up the cop with the mop to go out there and serve the public, rather than cleaning the stationhouse. I'd be surprised if you end up paying the janitors the same as you would a cop, but the point of the exercise is not just to save a bit of money. You may end up paying more to get a highly qualified civilian.

**LEN:** As in fields like technology or research analysis....

**SCOTT:** Right. If it produces better support for the delivery of police service, that's why you do it.

## Backsliding:

# Drug recidivism linked to treatment mode

Continued from Page 1

difference" between the three cohorts "seems to be explained by the fact that the treatment the Proposition 36 people got was dramatically less intensive than the treatment the people got in the other two groups," said Todd R. Clear, a distinguished professor of criminal justice at John Jay College of Criminal Justice and editor of the journal *Criminology & Public Policy*, which published the research. In an interview with *Law Enforcement News*, Clear said the finding "leads you to think that if the Proposition 36 cases had gotten the same treatment, they would have had very similar arrest rates, maybe even better arrest rates."

Researchers found that 31 percent of Proposition 36 clients were rearrested on a drug charge within a year of starting treatment, compared with 18 percent of those diverted under other court-ordered programs. Proposition 36 offenders were also 48 percent more likely to be rearrested than those in the other diversion-type programs, and 65 percent more likely than those who had entered treatment on their own.

According to the study, the more severe the addiction, the better rate of recovery if

addicts receive the type of intensive therapy found in residential treatment facilities. But the sheer volume of Proposition 36 clients now in California's drug treatment system has overwhelmed counties, leading them to place these clients in outpatient centers.

"Under-treatment appears to be a key ingredient in the recipe for recidivism among drug abusers, particularly for clients with severe drug problems," Farabee told *The Daily News* of Los Angeles.

Clear likened the situation to the fallout that occurred when Californians approved Proposition 13. The measure capped property taxes, but it caused the state's public education system to deteriorate.

"Everybody's against taxes," said Clear. "Everybody was in favor of drug treatment as an alternative to prison, but nobody wanted to pay for drug treatment programs to be created to handle the flow. In the long run, California's drug treatment programs will catch up with demand and the proposition will be successful. But in the short run, because the people are simply diverted into less dramatic, less intensive drug treatment, they don't do as well."

Nonprofit treatment centers can also choose which offenders to admit. Severely

addicted criminal offenders can be shunned by residential programs when those beds can be filled by clients with less complex sets of problems, said Deborah Baskin, a professor and director of the School of Criminal Justice and Criminology at UCLA.

"In this way they can keep their numbers up, success rates high, and funding streams full," she told *The Daily News*.

Two reaction essays to the Farabee study were also published in *Criminology & Public Policy*, which is a publication of the American Society of Criminology.

One, by the Sacramento-based Drug Policy Alliance, called Proposition 36 one of the most significant pieces of sentencing reform since the end of Prohibition.

"Even with the predictable hurdles that must be overcome in the establishment of a massive new program," said the essay, "Proposition 36 gives every appearance of success."

The other reaction, by James Inciardi, director of the Center for Drug and Alcohol Studies at the University of Delaware, speculated that billionaires George Soros, Peter Lewis and John Sperling, all advocates of drug legalization, intentionally threw their financial support behind passage of Proposi-

tion 36 in the hopes that it would fail.

"In demonstrating that neither incarceration nor treatment was effective in dealing with drug abuse, the ground would then be fertile for a drug policy liberalization initiative," Inciardi said.

## Finishing what they start

The rate at which drug offenders complete treatment under Proposition 36 is roughly the same as those under other court-mandated programs, according to another study released by UCLA researchers.

"Considering the scale of it," Douglas Longshore, the research study's lead author, told *The Los Angeles Times*, "what's happened with Proposition 36 is about what you would have expected. It is not an easy thing to stick with a program to the finish."

Longshore's research also found that whites and Asians were more likely to complete treatment than were African Americans and Latinos. Minorities who needed residential treatment generally ended up in outpatient facilities because of cost and availability, researchers said.



# Secrets of police suicide awareness training

Continued from Page 1

and precarious place in their life," she said.

Incidents of police taking their own lives in recent years include Norwalk, Conn., officer Paul Stevens, 41, who shot himself in the parking lot of a Home Depot in March 2002. While few details were released about Stevens, sources told The Connecticut Post that he was distraught over a health problem.

Also that year, Fairfield, Conn., officer Kirk Holzapfel, 26, died after crashing his car into a rock wall. A veteran of just one year on the force, he had been suspended after being charged with kidnapping his girlfriend at gunpoint. He had an upcoming court hearing on those charges when he committed suicide.

Broward County, Fla., sheriff's Sgt. Raphael Wolfe fatally shot himself in the chest two years ago just minutes before he was due to attend the department's Powertrac meeting, the agency's version of Compstat.

Friends and colleagues said that while Wolfe was loath to go the grueling Powertrac session, which some likened to a star chamber, he was also fearful at that time that he would be arrested for bigamy. Wolfe's first wife was claiming in court that their divorce was fraudulent because she had not been properly served papers. He had remarried in 1999.

Both Douglas and Allen believe that a key element to preventing suicides is assurance

from a department's brass that an officer in crisis will not be dismissed.

Five years ago, the NPSF was invited by David Mitchell, the superintendent of the Maryland State Police at that time, to conduct what Douglas calls Police Suicide Awareness (PSA) modeling. The agency had experienced one suicide per year up to that point, said Douglas.

The first employees to undergo the four-hour block of training were the MSP's command staff. The same training was then provided for commanders, followed by troopers in each barracks in the state, as well as hostage negotiators, the education and training division and other specialized units.

The NPSF offers something to law enforcement agencies it calls a Train-the-Trainer seminar. During the three-day program, instructors cover topics including physical and psychological stress; an overview of post-traumatic stress disorder; how to handle a suicidal officer; identifying the problem of police suicide; issues and responsibilities of the officer and agency when a suicide occurs; developing a police suicide awareness policy; developing training programs; and proactive training approaches to suicide prevention.

In the first month following the program, the State Police had four interventions, Douglas said. Only one of those — a barnacle situation — resulted in a trooper not being returned to full duty, he said.

"What that says to me is if management can convey to line personnel that they recognize this as an issue, that the bottom line is not to have the officer taken off the street permanently, and that he or she will eventually return to full duty, I think that's a major step," said Douglas.

Unfortunately, he has found that not to be the case.

"They're not recognizing this as an issue," said Douglas. "I've had managers say to me over the years, 'I'm a little concerned about the litigation issue.'"

Douglas contends that suicide awareness training needs to start in the police academy when, he says, officers are young and have no idea of what they will be dealing with on the street.

"The seed has to be planted in their mind that this is an issue they have to always be very aware of, and understanding the signs and symptoms might very well lessen the opportunity of someone else committing suicide," he said.

## DEA yanks guidelines on M.D.-prescribed narcotics

The Drug Enforcement Administration last month abruptly pulled from its Web site guidelines for law-enforcement personnel and physicians that explained what each group needed to know about addiction and prescribing narcotics to patients suffering from debilitating pain.

While the agency has remained largely silent on why it chose to withdraw its support for the document, "Prescription Pain Medications: Frequently Asked Questions and Answers for Health Care Professionals, and Law Enforcement Personnel," patients' rights advocates charge that the reversal was triggered by the prosecution in November of Dr. William E. Hurwitz, a McLean, Va., pain-management specialist.

DEA officials and a panel of prominent pain-management specialists spent nearly a year crafting the 31-page document, which was circulated in August to agents and doctors. The guidelines sought to clear up misconceptions about the government's scrutiny of aggressive pain treatment and spelled out for physicians the circumstances under which the DEA can initiate an investigation.

"The FAQs...support the need for dialogue and reflect an effort to answer basic questions about the appropriate use of opioids given their unquestioned medical value, as well as their potential for abuse, addiction, and diversion..." the document said. "All responses derive from the fundamental view that practitioners must try to relieve pain, but also must obey laws and regulations, and avoid contributing to diversion, while law enforcement personnel and regulators must address the sources of diversion, but do so in a manner that never interferes in clinical pain management."

The document provided the answers to 30 FAQs, definitions of addiction terms and links to other sites. Questions dealt with the medical risks of opioids, legal and regulatory considerations and the treatment of pain. They included how doctors can assess the risk of patients abusing the medications or diverting their prescriptions for illegal gain; whether it is legal or ethical to prescribe narcotics to a patient with a history of addiction; what requirements physicians and pharmacists must meet to comply with federal laws regulating opioids; and whether a doctor is required to report a patient undergoing opioid therapy who commits an act of abuse to law enforcement, or discon-

tinue treatment.

Doctors criticized the DEA for its unannounced decision to disavow the guidelines.

Dr. Russell K. Portenoy, a leading pain expert with New York's Beth Israel Medical Center who had worked on the documents with top DEA officials, said he had strongly believed that there had been "complete buy-in from the upper echelon" of the agency.

"There was a real feeling that we had made significant progress," Portenoy told The Washington Post, "but now we have to wonder whether that progress is all gone. If they don't fix whatever problems they might have and put the document back up, that would speak very clearly that the goal of the DEA is not to collaborate with the medical community or to reassure doctors about the proper role and use of prescription opioids in pain management."

In a short statement, the DEA said the guidelines had contained "misstatements" and was therefore removed from the website. "The DEA wishes to emphasize that the document was not approved as an official statement of the agency and did not and does not have the force and effect of law." The agency intends to address this matter in the future, the statement said.

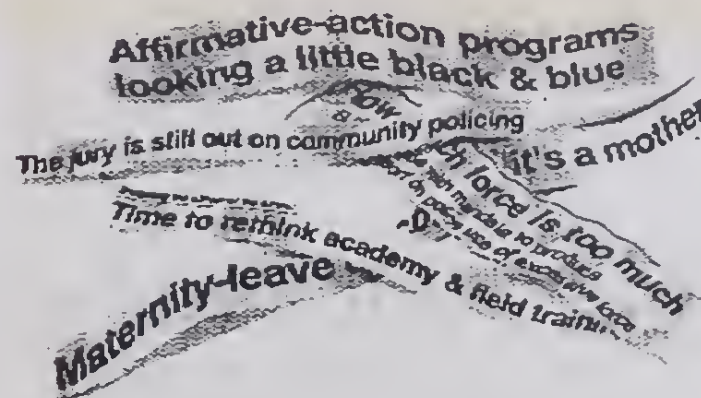
Ed Childress, a DEA spokesman, said the guidelines will be reissued once they are reworked. He could not comment on whether the decision to withdraw the document had anything to do with the Hurwitz case.

Hurwitz was indicted on 62 counts including conspiracy to distribute controlled substances, drug trafficking resulting in death or serious bodily injury, and health-care fraud. His trial began on Nov. 4 in the U.S. District Court for the Eastern District of Virginia.

The doctor's defense had sought in September to introduce the guidelines as evidence. Twelve days later, U.S. Attorney Paul J. McNulty, who is prosecuting the case, filed a motion asking that they be excluded because they did not have the force of law.

"It seems pretty clear that they felt they had to try to get rid of the guidelines because they supported so many parts of our case," Patrick Hallinan, Hurwitz's attorney, told The Post. "If the Justice Department followed the guidelines, there would be no reason to arrest and charge Dr. Hurwitz."

## Headlines are not enough



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## In this issue:

**Rough treatment:** Study eyes recidivism & drug treatment links in California. **Page 1.**

**Strapped for cash:** Defeat of budget measures has some agencies scrambling **Page 1.**

**Getting the dirt:** Porn found at crime scenes to get a closer look. **Page 1.**

**Around The Nation:** A coast-to-coast roundup of police news. **Pages 2, 3.**

**Shut out:** Illinois SP academy suspends training for local agencies. **Page 4.**

**Ho-hum:** New Orleans residents don't seem to care where cops live. **Page 5.**

**Ready to go:** Jacksonville to roll out civilian community service squad. **Page 5.**

**People & Places:** Counting the days; five-year plan; twice is nice; bass instincts; hear, hear; Noble efforts; no to Apple source. **Pages 6, 7.**

**Having their say:** Voters decide on criminal justice-related measures. **Page 8.**

**LEN interview:** Michael Scott of the Center for Problem-Oriented Policing **Pages 9-11.**

**Uncharted waters:** States take new tacks against sex offenders. **Page 12.**

**At a stand-still:** Rookies face months of fixed-post training. **Page 12.**

**Forum:** Giving new life to community watch efforts. **Page 13.**

**Offline:** DEA yanks guidelines on MD-prescribed narcotics. **Page 15.**

# Where is everyone?!?

What some agencies are doing to keep cops from checking out for good. **Page 1.**



Finding good cops — and keeping them — just keeps getting tougher. **Page 4.**



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## WHAT THEY ARE SAYING:

"What kind of training are these officers receiving just standing on a corner? That's not sufficient."

— Baltimore police union president Dan Fickus, criticizing a new field training component that has rookie officers assigned to fixed street-corner posts. (Story, Page 12.)